

MOVING FORWARD BY LOOKING BACK

# Cardinal Joseph Ratzinger's Preparation for the Papacy

HOW "THE VATICAN'S ENFORCER" RAN THE  
CONGREGATION FOR THE DOCTRINE OF THE FAITH  
(1979 – 2005)

Catholics for a Free Choice



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Catholics for a Free Choice shapes and advances sexual and reproductive ethics that are based on justice, reflect a commitment to women's well being and respect and affirm the moral capacity of women and men to make sound decisions about their lives. Through discourse, education and advocacy, CFFC works in the United States and internationally to infuse these values into public policy, community life, feminist analysis and Catholic social thinking and teaching.

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# I. Introduction

*The Church cannot be an association of free thinkers.*

—John Paul II (1981)

**O**n November 25, 1981, Joseph Ratzinger, Archbishop of Munich and Freising and long a prominent academic theologian even then, was appointed to head the Congregation for the Doctrine of the Faith (CDF). Over the years, the man who, by all accounts, is humble, private, gentle and self-effacing, came to be known variously as “Defender of the Faith,” “the Vatican’s Enforcer” and “the church’s watchdog”—and, more colorfully yet, “God’s Rottweiler.” He has made his reputation with his brilliant, fierce defense of church doctrine and strict, conservative teaching that his admirers lauded and his detractors despaired. Given the public, unflinching and decisive way that he performed his duties, it may well be argued that his vision of the church’s place in time and in the world reflects competing approaches interpreting the work of Vatican II for the present and future. Inquiries pursued and decisions made under his watch certainly aggravated the conflicts that arose in the wake of the council and continue to exacerbate those same tensions within the body today.

What characterized the theological climate and ecclesial culture during Ratzinger’s 23-year tenure in the CDF? What does this imply for his direction and reign as Pope Benedict XVI? In his work as an academic, a cleric and then an official at the heart of the Vatican, he has produced an enormous body of work. In addition, he and his work have been the

subject of countless books and articles, especially in recent years. Ratzinger always had John Paul II’s confidence and support, but his stock and influence undeniably grew as the late pope’s health worsened—so much so that the pontiff denied repeatedly his colleague’s request to retire at the mandated age of 75 and be released from his duties.

The cardinal ended up serving four and a half terms, a vote of complete confidence, considering that—at least in recent practice—prefects of curial agencies are normally limited to two five-year terms. Remarkable indeed was his consolidation of power and rapid ascent in the waning days of John Paul II’s papacy: In addition to his duties as the prefect of the CDF, he also became dean of the College of Cardinals. So while it is difficult to do a comprehensive background check on a living and vital person whose life has already generated thousands of pages from many writers, the aim of this project is instead to assemble a thinking Catholic’s guide to taking the legacy, promise and challenge of Benedict XVI, né Ratzinger, seriously. Some of the more troubling practices promoted and statements promulgated by the congregation as a whole may not necessarily be the product of Ratzinger alone. However, the responsibility for their weight and execution lie with him as prefect—and, by extension, with the pope who entrusted him with a platform and agenda to be adhered to strictly.

## The Role and Function of the CDF

*[The campaign on religious pluralism] does have an impact, and that's the point of it.... These targets are carefully selected. It makes everybody reconsider their own positions and critique them for themselves, kind of look over their shoulders and ask, "Is there something I've written that could get me investigated?"*

—Francis X. Clooney, SJ,  
from a 1999 *National Catholic Reporter* interview  
with John L. Allen, Jr., about Jacques Dupuis, SJ

The CDF as we know it today is the oldest and most active of the nine congregations that make up the Roman Curia, and it is a direct descendant of the Supreme Sacred Congregation of the Roman and Universal Inquisition, whose excesses during the Counter-Reformation were notorious. In its present state, it follows the mandate laid out in John Paul II's 1988 Apostolic Constitution *Pastor Bonus* (PB):

*Under Ratzinger, the Congregation brooked little dissent and did its best to discourage inquiry, even of the most legitimate, careful, thoughtful and well-intentioned kind.*

“The proper duty of the Congregation for the Doctrine of the Faith is to promote and safeguard the doctrine on faith and morals in the whole Catholic world; so it has competence in things that touch this matter in any way.”<sup>1</sup> In other words, it serves as pre-eminent spokesperson and penultimate arbiter (in a juridical and ministerial sense) of all that the church teaches; its mission is quality control and staying on message theologically. Under its immediate purview lie three important working groups: the International Theological Commission, the Pontifical Biblical Commission and the Interdicasterial

Commission for the Catechism of the Catholic Church. By virtue of his office, the prefect of the CDF is president of each of these. Ratzinger made so much of John Paul II's confidence in him so that he became, for many, the face and voice of the magisterium.

Given this definition and charge for the congregation as noted above, as well as these relationships, this formal body cannot help but have its fingers in many pots. Its work falls into four areas:<sup>2</sup>

- **The doctrinal office:** What do representatives of the church, and especially the bishops, teach and preach publicly? Are the products and pronouncements truly unerring and faithful to tradition, i.e. sufficiently orthodox?
- **The disciplinary office:** How does the church best “safeguard the truth of faith and the integrity of morals”<sup>3</sup> and declare or impose appropriate sanctions in cases of offense against the faith or improper celebrations of sacraments?<sup>4</sup>
- **The priestly office:** How are vocations promoted and clergy formed? How do these men fulfill their vows, conducting themselves (and being managed) professionally and spiritually, as representatives of Christ and the church on earth?
- **The matrimonial office:** Analogously, how do laity—married and single alike—conduct themselves as faithful, sexual beings, whether in relationships with their spouses or ideally in celibate relationships outside of the sacrament of marriage?

Overlap among these areas is inevitable, but that certainly speaks to the reach and latitude of what the CDF may and must address. As the *de facto* insurer of doctrinal quality control and consistency, all

<sup>1</sup> *Pastor Bonus* (PB), 48.

<sup>2</sup> PB, 49-55.

<sup>3</sup> PB, 51.

<sup>4</sup> PB, 52.

Curia documents dealing with faith and morals must pass its scrutiny. In order to address issues that arise, the congregation holds annual plenary assemblies.

The CDF is perhaps best known for its handling of ministerial and theological irregularities according to the rubrics of its doctrinal office. Under Ratzinger, the congregation brooked little dissent and did its best to discourage inquiry (and, in some cases, innovative, vital ministry), even of the most legitimate, careful, thoughtful and well-intentioned kind. While no Catholic was immune, the brunt of the repression fell upon priests and religious who might favor *aggiornamento* (modernization) rather than *ressourcement* (traditional). This meant that among academic theologians, for example, strict orthodoxy regarding the production of and engagement with doctrine was prized and esteemed at the expense of responsive innovation (and not merely innovation for its own sake), intellectual breadth and sociopolitical freedom. Alternatively, among those active in ministry, the CDF's hard-line approach and lack of imagination, vision and compassion ultimately overlooked the needs and undercut the human dignity of those being served. At certain points, discipline ceased to be a means of freedom, becoming instead a means of inflexible bondage. Either way, an atmosphere like this yielded a fine, parsed casuistry that values a philosophical and legalistic rightness insufficiently tempered by goodness. Rigid dogmatism—and fealty to the absolute truth underlying it—took precedence over faith as lived daily.

While the CDF does follow written procedures,<sup>5</sup> some who have been subjected to its scrutiny have said that the process of investigation is still not entirely transparent, leaving little protection for the accused. Moreover, it is not always clear to what extent an investigation may be politically motivated. However symbolic and intellectual the violence, its effects are very real, especially for those scrutinized,

silenced or otherwise sidelined through some kind of censorship.

In brief, the procedure begins when a person's potentially suspect writings or activities come to the attention of the CDF. The person being investigated formally learns of the accusation only when the process is already under way, and there is no specific guaranteed right to know the accuser's identity. The congregation then uses *consultors* to review the items of concern thoroughly, often in the context of other work, writings or events, and it subsequently issues notifications, or letters, outlining the points

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found questionable or not in line with church teaching as officially interpreted. The accused has the opportunity to respond with explanations and clarifications, and this exchange may go for several rounds and stretch out over years. If he—for priests, more so than nuns or lay persons, seem to be disproportionately subject to this sort of close and rigorous inspection—demonstrates to the CDF's satisfaction continuity and consonance with this brand of truth in his replies, the threat of a ban is lifted; if not, silencing (for a set term or until potential heresies are resolved or recanted) is the discipline of choice. Excommunication is rare and saved for only the most extreme situations of heresy, apostasy or schism. Including cases that were already under way when Ratzinger was appointed to head the CDF *and* persons investigated on multiple occasions, there were at least fifty censures (including notifications, silencings, revocation of teaching privileges, forced resignations and so forth) issued, on public record,

<sup>5</sup> Ratio Agendi (Regulations for Doctrinal Examination), [www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19970629\\_ratio-agendi\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19970629_ratio-agendi_en.html), June 29, 1997.

to individual priests and nuns of sufficient rank or voice across orders. There are also at least 40 documents on doctrinal, disciplinary and sacramental questions (such as encyclicals, letters, instructions, notes, considerations, statements and all other varieties) dating from this period.<sup>6</sup>

Three practices distinguish the tenor of the CDF's work during this period and weave their way through the many issues and cases that Ratzinger oversaw there under John Paul II: *secrecy* and its legacies, *silencing* of dissenting voices and *centralization* of an assertive magisterial authority. If one were to judge based on actions and pronouncements, one would feel compelled to conclude that this regime would prefer to back conscience into a corner for the sake of obedience rather than take on the harder task of thorough conscience formation. With such great value placed on staying on message,

there is little wiggle room; the twin burdens of truth and tradition weigh heavy and fall hard. In order to compile a list of all persons investigated, silenced and censored during Ratzinger's tenure as prefect and to outline issues of concern for the present and future church, the rest of this report draws extensively from a variety of sources, primarily:

- countless articles in journals and news services such as *America*, Catholic News Service, *Commonweal*, *National Catholic Reporter*, *Zenit* and a host of major newspapers;
- excerpts from Ratzinger's own writings, talks and pronouncements; and
- documents issued by the CDF, the USCCB and other official church bodies, as reported in *Origins* and on these organizations' respective Web sites.

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<sup>6</sup> These rough estimates, a chronology, a roll call of the accused, and a casebook of questions are based on "Timeline of principal doctrinal decisions, documents, 1981-2005," Catholic News Service, April 29, 2005, [www.catholicnews.com/data/stories/cns/0502666.htm](http://www.catholicnews.com/data/stories/cns/0502666.htm); Tara Harris, "Theological Disputes," *National Catholic Reporter*, February 25, 2005, [www.natcath.com/NCR\\_Online/archives2/2005a/022505/022505h.php](http://www.natcath.com/NCR_Online/archives2/2005a/022505/022505h.php); and "Off the Reservation," *New York Times*, April 24, 2005, [select.nytimes.com/search/restricted/article?res=F60814FE3E550C778EDDAD0894DD404482](http://select.nytimes.com/search/restricted/article?res=F60814FE3E550C778EDDAD0894DD404482), as well as counts from the congregation's own listings. The numbers reported do not include teachings and documents issued to the church generally. For complete indices of all documents publicly issued by the CDF, whether addressed to individuals or the greater church, see "Documents of a doctrinal nature," [www.vatican.va/roman\\_curia/congregations/cfaith/doc\\_doc\\_index.htm](http://www.vatican.va/roman_curia/congregations/cfaith/doc_doc_index.htm); "Documents of a disciplinary nature," [www.vatican.va/roman\\_curia/congregations/cfaith/doc\\_dis\\_index.htm](http://www.vatican.va/roman_curia/congregations/cfaith/doc_dis_index.htm); and "Documents on sacramental questions," [www.vatican.va/roman\\_curia/congregations/cfaith/doc\\_sac\\_index.htm](http://www.vatican.va/roman_curia/congregations/cfaith/doc_sac_index.htm). Note that some of the documents listed on these sites date to the reign of Pope Paul VI.

For a chronology of censurings noted in this article, please see Appendix I. In that list, we added other names and incidents as they surfaced in the course of research; these include local investigations that may have been reported to the CDF but were not pursued or may still be in process.

## II. The Culture of Secrecy

### A. See No Evil, Hear No Evil, Speak No Evil

In 1962, the Holy Office of the Vatican (forerunner of the CDF) issued the secret document *Crimen sollicitationis* (*Instruction on the Manner in Proceeding in Cases of Solicitation*). Intended to be handled much like a highly classified government document, the instruction begins, “[This text is] to be diligently stored in the secret archives of the Curia as strictly confidential. Nor is it to be published nor added to with any commentaries.”<sup>7</sup> The document directs bishops how to deal with cases of priests accused of abusing the nature of the confessional (or any other similarly private situation) to approach penitents with sexual advances. It presumes the victim to be a woman but goes so far as to outline steps for handling the “worst crime”: sexual relations with an animal, a child or another man.

This document surfaced in 2002, in the thick of the clergy sex abuse scandals. These problems were certainly not confined to the US alone, but US cases have received exhaustive coverage. Besides claiming the need for its own secrecy, all such cases were to be handled quietly as “a secret of the Holy Office” (their emphasis), and all parties involved—clergy, superiors and victims—were to be “restrained by a perpetual silence...under penalty of excommunication” that only the pope might dismiss.<sup>8</sup> Other damning portions of CS include these:

- An ordinary or superior may “admonish and correct, and, if the case demands it, remove [the offending priest or religious] from some ministry. They will also be able to transfer him to another [assignment], unless the Ordinary of the place has forbidden it because he has already accepted the denunciation and begun the inquisition.”<sup>9</sup>
- The sacramental seal takes absolute precedence over any oath binding the accused to tell the truth.<sup>10</sup>

It is hard to say how well-known these directives actually were among most church officials involved in adjudicating the sexual abuse cases, let alone how much they affected the hierarchy’s actions, characterized overall by gross delays and egregious, tin-eared missteps and at times egregious obstructionism. Secular lawyers generally consider the document evidence of obstruction of justice, while canon lawyers say that it refers only to internal church procedure and does not address whatever a bishop may disclose to civil authorities, especially regarding child molestation. All the same, while the desire for damage control and closed ranks is understandable, the mere existence of the document—never mind its actual language—does reveal something unsavory about the ecclesial culture of a church hierarchy that would even act this way. It privileges the life of the institution (and all the cogs whose enforced silence keep the machine going) over the very real, everyday relationships between laity and

<sup>7</sup> *Crimen sollicitationis* (CS), 1.

<sup>8</sup> CS, 11.

<sup>9</sup> CS, 4.1

<sup>10</sup> CS, 52.

clergy and between God and all faithful. It abuses intimacy and trust and makes a casualty of justice.

In any case, the CDF issued revised worldwide norms in 2001 for internal criminal procedures involving the sexual abuse of minors by priests, following the standards set by the US bishops. Generally, the age of majority in the church is 16, but now the exception is 18 for cases of sexual abuse. It has also adjusted the statute of limitations applicable to crimes so that within three to five years, prosecution must begin. For cases such as sexual abuse which are reserved for the CDF to investigate and judge, the clock is more flexible and starts when the abuse is first reported.<sup>11</sup>

## B. The “Disorder”<sup>12</sup> of Homosexuality

*“The Church can combat prejudice against homosexual people by fostering ongoing theological research and criticism with regard to its own theological tradition on homosexuality, none of which is infallibly taught.”*

— “The Prejudice against Homosexuals and the Ministry of the Church,”  
Washington State Catholic Conference, 1983

As reports of clergy sexual abuse gained ground and credibility, papal spokesman Joaquin Navarro-Valls made the Vatican’s first public comment on the matter in March 2002, blaming the scandal on “homosexuals in the priesthood.” This contradicts

years of research that demonstrates the absence of any connection between homosexuality and pedophilia. In fact, the American Psychiatric Association has declared since 1973 that homosexuality is itself not a mental or emotional illness.

What this misleading and erroneous conflation points to instead is, unfortunately, a disordered understanding of human sexuality—and, in turn, a muddled anthropology. The incidence of these crimes, especially in cases of priests’ preying on boys and young men, provided occasion for the demonization of gay priests while bemoaning the apparent “queering” of the priesthood in the face of declining vocations. All of this, however, is of a piece with the church’s longstanding condemnation of homosexuality as a disorder, accompanied by a rhetorical, semantic trick of distinguishing between homosexuality as a pathological trait (contrary to what most psychologists have been thinking and teaching for the last few decades) and “gay” as a “lifestyle choice.”<sup>13</sup> By extension, issues such as same-sex marriage and adoption of children by gay couples are also problematic.<sup>14</sup> Apparently, these are a perversion of the sacrament of marriage and serve to undermine the social fabric.

In other words, while mandating Christian respect for homosexual persons, homosexual acts and “gay behaviors” are not to be condoned: a version of love the sinner, hate the sin. Homosexuality’s objective (formerly “intrinsic”) disorder, according

<sup>11</sup> For further details, see “U.S. paved way for Vatican norms on sex abuse crimes,” *America* 186:3, February 4, 2002; Avery Dulles, “Rights of Accused Priests,” *America* 190:20, June, 21, 2004; Letter to the Bishops... Regarding the More Serious Offenses reserved to the Congregation of the Doctrine of the Faith, May 18, 2001, as posted at [www.bishop-accountability.org/resources/resource-files/churchdocs/EpistulaEnglish.htm](http://www.bishop-accountability.org/resources/resource-files/churchdocs/EpistulaEnglish.htm); and Thomas Doyle, “The Latest Revisions to the ‘Charter and Norms,’” November 5, 2002, as posted at [www.bishop-accountability.org/resources/resource-files/timeline/2002-11-05-Doyle-LatestRevisions.htm](http://www.bishop-accountability.org/resources/resource-files/timeline/2002-11-05-Doyle-LatestRevisions.htm).

<sup>12</sup> *Persona Humana: Declaration on Certain Questions Regarding Sexual Ethics*, December 29, 1975, VII.

<sup>13</sup> Related to this is a 2003 Vatican ruling, issued as yet another confidential document (as reported by Catholic News Service) that there is no such thing as transgender and that one cannot change one’s sex. Those who do undergo sex-change procedures are ineligible to marry, be ordained to priesthood or enter religious life. Besides the (persisting) defensive antihomosexual hysteria of the moment, it is unclear why the document was issued at that particular time, but it does go on to instruct bishops that parish baptismal records may absolutely not be altered to change the sex of the person given.

Not long afterward, a further directive followed, saying that transgendered people suffered from “mental pathologies” and should be expelled from the priesthood. This was thought to be laying the groundwork for a future set of guidelines for seminaries and the candidates they consider and form for priesthood—a prelude to the forthcoming “apostolic visitation” of seminaries in the US.

<sup>14</sup> In *Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons* (3 Jun 2003), the CDF presents arguments based on “right reason” (III.6), “biological and anthropological order” (III.7), “social order” (III.8) and “legal order” (III.9).

to church teaching, relies on its controversion of natural law: sexual complementarity and the prospect of procreation are absent in homosexual sex. It can never be approved. The best—and most morally correct—response any homosexual can make is to heed the call to chastity.<sup>15</sup> Regarding the pastoral care of homosexual persons, a 1986 document explains:

Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward intrinsic moral evil; and thus the inclination itself must be seen as an objective moral disorder.<sup>16</sup>

The Church... celebrates the divine plan of the loving and life-giving union of men and women in the sacrament of marriage. It is only in the marital relationship that the use of the sexual faculty can be morally good. A person engaging in homosexual behavior therefore acts immorally.

To choose someone of the same sex for one's sexual activity is to annul the rich symbolism and meaning, not to mention the goals, of the Creator's sexual design. Homosexual activity is not a complementary union, able to transmit life; and so it thwarts the call to a life of that form of self-giving which the Gospel says is the essence of Christian living. This does not mean that homosexual persons are not often generous and giving of themselves; but when they engage in homosexual activity they confirm within themselves a disordered sexual inclination which is essentially self-indulgent.

As in every moral disorder, homosexual activity prevents one's own fulfillment and happiness by acting contrary to the creative wisdom of God. The Church, in rejecting erroneous opinions regarding homosexuality, does not limit but rather defends personal freedom and dignity realistically and authentically understood.<sup>17</sup>

In short, the CDF tolerates tolerance, but still insists on "rightness" and moral order.

There are two cases worth highlighting in this regard.<sup>18</sup> In 1974, an investigation of Jesuit psychotherapist and theologian John McNeill began regarding his views of and ministry to homosexuals. Besides his many writings on the church and homosexuality, he also co-founded a chapter of Dignity (a national group advocating for the rights of gay Catholics in the church) in New York. He was silenced in 1977 and forbidden "to write or speak on the issue of homosexuality in any of its aspects: theological, psychological or sociological." Likewise, Dignity is banned from meeting in many church facilities, and priests are strongly discouraged from saying Mass for the group. In 1986, though, McNeill broke the ordered silence, and under greater threat, the Jesuits expelled him early the next year. He has since continued his ministry outside the official church.<sup>19</sup>

Given this reading of homosexuality, queer laity are forced to reconcile sexual identity and religious commitment. Homosexual clergy, whether in or out, further live under a cloud of suspicion, even if they are able to manage celibacy and their service and ministry are exemplary, while openly gay inquirers

<sup>15</sup> *Catechism of the Catholic Church*, 2357-2359; *Persona Humana*, 8.

<sup>16</sup> CDF, "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons," October 1, 1986, 3.

<sup>17</sup> *Ibid.*, 7.

<sup>18</sup> Two members of the hierarchy (Archbishop Raymond Hunthausen of Seattle, in 1983, and Bishop Jacques Gaillot of Evreux, France, in 1995) were also sanctioned for their questioning of teachings on homosexuality and liberal approaches to other doctrinal (e.g. women, priestly celibacy).

<sup>19</sup> Pedro Arrupe, the esteemed Jesuit Superior General at the time, was collateral damage in McNeill's case. He had granted McNeill's landmark book *The Church and the Homosexual a nihil obstat*, permitting it to be published. For that (as well as for his unwavering support of Jesuits engaged in liberation movements in Central America—a subject addressed later in this article), he suffered much criticism.

are dissuaded from pursuing candidacy. According to McNeill, the Vatican has been concerned about the queering of the clergy and the candidate pool since the 1970s.

Twenty-five years ago, friends in the Vatican sent me a copy of a secret letter sent by the Congregation that deals with seminaries on the issue of accepting gay candidates for the priesthood. At that time the Congregation asked all Seminary directors to carefully scrutinize gay candidates and determine whether their homosexuality was egosyntonic or egodystonic. This psychological jargon distinguishes those who accept and are comfortable with their homosexuality over against those who see their homosexual orientation as something to be hated and

priesthood today have an egodystonic attitude of self-hatred. So the Vatican is forced to take a more radical stand.<sup>20</sup>

As it is, part of the ugly aftermath of the clergy sexual abuse scandals in the US is the distinct possibility that homosexual men will be further discouraged from seeking ordination because of the “objective disorder.” The current visitation to every seminary in the US to investigate its doctrinal orthodoxy will only exacerbate this possibility<sup>21</sup> and raise tough questions, among them: How does one develop a healthy sense of self as a sexual being if one’s religious environment discourages that? What impact do unhealthy attitudes about sex have on those who seek ordination and the ministry they eventually perform?

The other high-profile case is that of Sr. Jeannine Gramick, SSND, and Fr. Robert Nugent, SDS.<sup>22</sup> In 1977, the two joined forces to found New Way Ministries, whose mission is to provide “a gay-positive ministry of advocacy and justice for lesbian and gay Catholics and reconciliation within the larger Christian and civil communities.”<sup>23</sup> Until 1984, they did much speaking, writing, teaching and consulting on issues of homosexuality and the church. That year, enough pressure from influential ecclesiastics and the like had mounted that they withdrew from New Ways, but they still continued their work privately or in collaboration with other groups nationwide. In 1988, the CDF launched an investigation into their activities because of concerns that the pair had “allowed ‘errors and ambiguities’” into their discussions of Catholic teaching on homosexuality. The congregation said the two had not sufficiently emphasized church teaching that homosex-

*How does one develop a healthy sense of self as a sexual being if your religious environment discourages that? What impact do unhealthy attitudes about sex have on those who seek ordination and the ministry they eventually perform?*

rejected. Only those candidates whose homosexuality was egodystonic should be accepted as candidates for the priesthood. In other words, only the mentally sick should be accepted and the healthy should be turned away.

Because of the incredible success Dignity and other gay liberation groups have had over the last 30 years, very few gay candidates for the

<sup>20</sup> John J. McNeill, “Sermon in celebration of the 30th anniversary of Dignity/New York,” October 27, 2002, <http://www.dignityusa.org/archives/021027mcneill.html>.

<sup>21</sup> Rev. Dr. Robert E. Goss, “Shifting the Blame—The Vatican’s campaign to purge gay men from Catholic seminaries is an attempt to shift the blame for the sexual abuse scandal away from the bishops,” *Conscience*, Spring 2006.

<sup>22</sup> For a fuller timeline and more substantive account of this case, see “Gramick/Nugent Case, 1988-1999,” [http://www.natcath.com/NCR\\_Online/documents/history.htm](http://www.natcath.com/NCR_Online/documents/history.htm); “Gramick and Nugent documents,” [http://www.natcath.com/NCR\\_Online/documents/gramnuge.htm](http://www.natcath.com/NCR_Online/documents/gramnuge.htm); and various documents at New Ways Ministry, <http://mysite.verizon.net/~vze43yrc/index.html>.

<sup>23</sup> Mission statement of New Ways Ministry, <http://mysite.verizon.net/~vze43yrc/aboutus.html>.

ual acts are “intrinsically disordered.”<sup>24</sup> The inquiry closed over ten years later, with a directive ordering them to stop their pastoral ministry to queer persons and their families. In 1999 Nugent was further required to remain silent on issues of homosexuality—no more speaking or writing. Since submitting, he has been working in parish ministry.

Gramick, by contrast, took a different tack with her response. As with Nugent, the CDF prohibited her from further ministry to homosexuals. And while she had long performed this ministry with the blessing of her order, the School Sisters of Notre Dame, it—under pressure from the CDF and the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL)—ordered her in 2000 to keep silent about the Vatican investigation and on matters of homosexuality more generally. This meant that she could not “*encourage the faithful to publicly express their dissent from the official Magisterium, nor protest decisions of the Holy See, nor criticize the Magisterium in any public forum whatsoever concerning homosexuality or related issues*”<sup>25</sup> [their emphasis]. After much deliberation, she decided that her conscience and commitments carried more weight than the pressure to honor the vow of obedience. Under threat of dismissal, she insisted instead on speaking out and honoring her commitments actively, eventually transferring to the Sisters of Loretto in 2001.

Their sanctioning raised several issues. First of all, the investigation process seems to offer few protections, if any, for the accused. In this particular case, the ordeal dragged on for over ten years. In addition, confidentiality restrictions place an undue burden on the accused, leaving them little room for truly helpful counsel.<sup>26</sup> The greatest difficulty lies perhaps in the structure of the *contestatio* itself, in which the CDF and its agents serve as inquisitor, prosecutor, judge and jury all at once. This polarizes the process from the beginning.

Secondly, questions and challenges, even when sought for deeper understanding and greater good, are not countenanced gladly or easily. When dealing with controversial issues, it is apparently not enough to state official church teaching on one hand and a differing viewpoint on the other. In the exchanges pursuing clarification, the only outcome the CDF will accept in the end is complete consent and fidelity to stated teaching, not only in public presentations but in personal belief, especially when these teachers are priests and religious, vowed ministers of

*In the exchanges pursuing clarification, the only outcome the CDF will accept in the end is complete consent and fidelity to stated teaching, not only in public presentations but in personal belief.*

the church. So while it is understandable for the hierarchy to expect that those who teach in the church’s name teach as she teaches, it limits severely the possibility of honest, open discussion and the ability to deal with the pressing social and political dimensions of spiritual and theological issues in a timely and satisfying manner. Technical theological language is privileged over pastoral concern, and self-censorship for the sake of orthodoxy becomes a crippling intellectual and spiritual habit that is hard to break. As we shall explore later, magisterial creep becomes an issue when authority is wielded as a blunt weapon so that repeated, insufficiently nuanced appeals to authority obscure which teachings are definitive and infallible and which others may legitimately still be addressed.

Lastly, teachings such as these on homosexuality undermine the dignity to be accorded to homosexual persons by fixating on their sexual identities to the exclusion of other dimensions of their lives. They

<sup>24</sup> Gustav Niebuhr, “Nun defies Vatican request for silence on gay ministry,” *New York Times*, May 27, 2000.

<sup>25</sup> “Background on Vatican Silencing of Sister Jeannine Gramick, SSND,” <http://mysite.verizon.net/~vze43yrc/vatican.html#background>, May 25, 2000.

<sup>26</sup> See “Statement from Father Robert Nugent,” <http://mysite.verizon.net/~vze43yrc/rn990714.html>, July 14, 1999, and “Statement from Sister Jeannine Gramick,” <http://mysite.verizon.net/~vze43yrc/jg990723.html>, July 23, 1999.

insist on seeing them as disordered, without the possibility of ever becoming whole. No matter the lawyerly, technical parsing of the theological language, these teachings still leave the impression of

casting homosexuals as irretrievably defective and make it significantly more difficult to be a pastoral presence and offer a ministry of reconciliation, compassion and welcome.

# III. Silencing the Questioning Conscience

## A. The Dignity of the Human Person in Life and Death

During Ratzinger's tenure, the church did not waver on its long-standing condemnation of euthanasia, capital punishment and unjust war as part of a "culture of death":<sup>27</sup> cruel, unnecessary, unconscionable and wrong. To be sure, it predictably and emphatically asserted pro-life teachings in these areas in high-profile cases (at least for a US audience) such as that of Terri Schiavo, Darrell Mease<sup>28</sup> and the United States' invasion of Iraq, respectively. Moreover, the encyclical *Evangelium Vitae* (*The Gospel of Life*, 1995) and subsequent refinements made clear, especially in cases of capital punishment, under what exceedingly rare circumstances such sentences may even be considered, let alone carried out.<sup>29</sup>

*Evangelium Vitae*, to its credit, pushed many to expand their understanding of the "consistent ethic of life" beyond absolute statements condemning abortion and contraception to the exclusion of all other life-and-death issues. However, those tensions persist, and they pose a seemingly irreconcilable challenge to contemporary cultural norms about individual freedom, the social shape of relationships and current medical findings worldwide, not to mention urgent mandates of public health. Statements about the dignity of human persons aside,

how can the church's messages about sexual ethics realistically take root in communities where the status of women and homosexuals, AIDS, limited resources and other related issues are abiding concerns against backdrops of inequity, injustice and economic violence that remain beyond resolution? What are the moral obligations of a government to its people, and how do they relate to its politics and economy? Who is indeed our neighbor, and by what standards shall we best measure the progress of communities?

Prohibitions against abortion and contraception had long been part of church teaching, but they did not gain their present prominence until the 1960s, when FDA approval of the pill brought these options within reach. One need only refer to the history of Dr. John Rock's difficult role in negotiating between the medical world, actual *married* faithful, and the Vatican for sensible, thoughtful and socially responsible *natural* birth control.<sup>30</sup> Paul VI's *Humanae Vitae* paved the way for the debate, dissent and disobedience that continues to this day, when sex and procreation largely constitute two different realms that need not intersect in daily life.

Catholic laity were not the only ones who struggled with teachings on contraception. In the US, members of the Sisters of Mercy (Mary Agnes Mansour, Elizabeth Morancy and Arlene Violet)

<sup>27</sup> *Evangelium Vitae*, 12.

<sup>28</sup> Mease was a convicted murderer and death row inmate in Missouri. John Paul II's plea on his behalf to the late Governor Mel Carnahan during his 1999 visit to St. Louis won the man a sentence changed to life without parole. From 1983 until his own death, the pope sought clemency for at least six US death row inmates, including Timothy McVeigh, Karla Faye Tucker and others.

<sup>29</sup> Cf. *Catechism of the Catholic Church* (1997), nos. 2266-2267.

<sup>30</sup> Malcolm Gladwell, "John Rock's Error," *New Yorker*, March 13, 2000), 52-63.

were forced, in separate incidents in the early 1980s, to choose between their religious vows and their work in the public sector. In Mansour's case, for example, the conflict lay in her work at Michigan's Department of Social Services, which included programs that helped finance abortions for poor women. Morancy and Violet were active

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in political life in Rhode Island—"the most Catholic state in the nation"—as state representative and state attorney general, respectively. In a related event, the Vatican threatened to dismiss 24 US nuns from their religious orders for signing a national advertisement that said "a large number of Catholic theologians hold that even direct abortion, though tragic, can sometimes be a moral choice."<sup>31</sup>

As we shall see later, these conflicts between faith and politics spilled over into other areas of church life—and in other nations besides the US. Senator John Kerry, a Catholic politician with a consistent prochoice voting record, came under fire from some conservative bishops and organizations during the 2004 presidential race for his views in this area. They argued, in brief, that because of his stance, he should be denied communion; others responded more cautiously, saying that his decision

to seek communion or not should be a matter between him and his local pastor.<sup>32</sup> In fact, the Vatican has said that while participation in public (political) life is a moral obligation, it must be done with a conscience as well-formed as possible. A pluralistic democracy, while admirable on some counts in its commitments to freedom and justice, is riddled with the potholes of cultural and moral relativism and the so-called "cafeteria Catholic" approach to the faith. There is a fine balance to maintain between individual freedoms and community commitments, all while insisting on the necessary unity of the faith life, i.e. that it is something to be believed and lived out as one whole piece for "the integral good of the human person" and, by extension, the common good. On behalf of the CDF, Ratzinger wrote:

John Paul II, continuing the constant teaching of the Church, has reiterated many times that those who are directly involved in lawmaking bodies have a "grave and clear obligation to oppose" any law that attacks human life. For them, as for every Catholic, it is impossible to promote such laws or to vote for them. As John Paul II has taught in his Encyclical Letter *Evangelium vitae* regarding the situation in which it is not possible to overturn or completely repeal a law allowing abortion which is already in force or coming up for a vote, "an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at *limiting the harm* done by such a law and at lessening its negative consequences at the level of general opinion and public morality." [...]

When political activity comes up against moral principles that do not admit of exception, compromise or derogation, the Catholic commitment becomes more evident and laden

<sup>31</sup> The ad, sponsored by Catholics for a Free Choice, appeared in the *New York Times* on October 7, 1984.

<sup>32</sup> *Redemptionis Sacramentum*, March 25, 2004, 80-87.

with responsibility. In the face of *fundamental and inalienable ethical demands*, Christians must recognize that what is at stake is the essence of the moral law, which concerns the integral good of the human person. This is the case with laws concerning *abortion* and *euthanasia* (not to be confused with the decision to forgo *extraordinary treatments*, which is morally legitimate). Such laws must defend the basic right to life from conception to natural death. In the same way, it is necessary to recall the duty to respect and protect the rights of the *human embryo*. Analogously, the *family* needs to be safeguarded and promoted, based on monogamous marriage between a man and a woman, and protected in its unity and stability in the face of modern laws on divorce: in no way can other forms of cohabitation be placed on the same level as marriage, nor can they receive legal recognition as such. The same is true for the freedom of parents regarding the *education* of their children; it is an inalienable right recognized also by the Universal Declaration on Human Rights. In the same way, one must consider *society's protection of minors* and freedom from *modern forms of slavery* (drug abuse and prostitution, for example). In addition, there is the right to *religious freedom* and the development of an *economy* that is at the service of the human person and of the common good, with respect for social justice, the principles of human solidarity and subsidiarity, according to which "the rights of all individuals, families, and organizations and their practical implementation must be acknowledged." Finally, the question of *peace* must be mentioned. Certain pacifistic and ideological visions tend at times to secularize the value of peace, while, in other cases, there is the problem of summary ethical judgments

which forget the complexity of the issues involved. Peace is always "the work of justice and the effect of charity." It demands the absolute and radical rejection of violence and terrorism and requires a constant and vigilant commitment on the part of all political leaders.<sup>33</sup>

This lengthy excerpt is worth citing in full because it states in one fell swoop what the Vatican understands and promotes as a complete map of Christian faith with the absolute value of life at its center. Through its actions as well as words such as these, the CDF effectively established a hierarchy of policies (and moral concerns) so that issues of life take precedence over issues of *quality* of life. And making appropriate moral choices requires, ultimately, a conscience so well-formed that the right choice (rather than just a good choice) will seem so obvious as to nearly preclude choosing otherwise, even in the most knotty and difficult circumstances. As we shall see later, this sort of language both elevates and idealizes conscience while paradoxically circumscribing free will.

Discerning rightness in tough or morally unclear situations is certainly a serious responsibility. But taking a prophetic stance in the face of grave moral evils—such as those a so-called "culture of death" promotes and wrestles with—should not mean being unrealistic and uncompassionate in our engagement. Holding out for the "seamless garment" in wrestling with these challenges of interpreting and achieving a consistent ethic of life shows a deep need for both mercy and moral realism. Gradualism in this vein can work toward progress and cultivation of the good, just as easily as it can degenerate into moral inertia and sloppiness. Can we not appeal to the goodness and perfectability of a person, not just the flawed nature that original sin leaves behind?

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<sup>33</sup> *Doctrinal note on some questions regarding the Participation of Catholics in Political Life*, November 24, 2002, 4.

## B. “Different but Equal”: The Complementary Woman

John Paul II claimed to be “the feminist pope.”<sup>34</sup> In documents such as *Mulieris Dignitatem (On the dignity and vocation of women)*,<sup>35</sup> he certainly sounded the right notes and said laudable things about according women due dignity, equality and respect.

But the critique many feminists (and feminists of many stripes, not just “radical” feminists, as Vatican insiders seemed to imagine) make about this understanding of women is that it essentializes them: women have fundamentally different natures because of their sex, and the biological fact of that sex is more important than their personhood. Time and again, that complementarity was assigned a value such that the difference women embody physically and substantively (compared to men, whose maleness is the standard for comparison in all realms) is not merely *different*; it is a nature *subordinate*, “less than,” deficient.

*Mulieris Dignitatem* was not the only document to reveal insufficient understanding of everyday feminism and real women’s daily lives—i.e. substantive insight into their needs, abilities and experiences as opposed to mere perceptions and beliefs. Predictably, the complementarist take on womanhood reappeared every time the topic of leadership of women—particularly as ordained persons—reared its head. Following 25 years of discernment and discussion, *Ordinatio Sacerdotalis (On reserving priestly ordination to men alone) (OS)* was to be the definitive teaching and the end of all discussion regarding the permissibility (none) to ordain women

to the priesthood. It claimed that an all-male priesthood was God’s will, and, as such, the church had no power to change it.<sup>36</sup> As Sidney Callahan put it,

The pope over and over asserts the importance of the difference and complementarity of men and women’s natures. He emphasizes “the genius of women” (whatever that means), which ensures that in “the sacramental economy, that is, the economy of signs,” women cannot be ordained. There exists, he says, a symbolic complementarity of men and women which gives the church a “Marian principle” and an “Apostolic-Petrine principle.” Christ “entrusted only to men the task of being an ‘icon’ of his countenance as ‘shepherd’ and ‘bridegroom’ of the church through the exercise of the ministerial priesthood.”<sup>37</sup>

This decree was followed by other statements that sought to buttress that position. A 1995 theological note further asserted that this teaching about priesthood belongs to the deposit of faith (*de fide*) and requires the definitive assent of the faithful.<sup>38</sup> Three years later, *Ad Tuendam Fidem (To protect the faith) (ATF)* amended several portions of the Code of Canon Law to clarify what exactly “definitive assent” means and what warrants such unquestioning faith. It also warned sternly that “obstinate rejection” of such teachings effectively cast such a person out of the church and would be penalized accordingly, with excommunication for the most extreme heretics and apostates.<sup>39</sup> In 2001, Cardinal Jorge Medina Estevez, prefect of the Congregation for Divine Worship and the Discipline of the Sacraments, wrote (in response to a question from a bishop) that diocesan bishops would have the

<sup>34</sup> Sidney Callahan, “The pope & women,” *Commonweal*, April 10, 1998, [http://www.commonwealmagazine.org/article.php?id\\_article=1045](http://www.commonwealmagazine.org/article.php?id_article=1045).

<sup>35</sup> *Mulieris Dignitatem (On the dignity and vocation of women on the occasion of the Marian year)*, [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_letters/documents/hf\\_jp-ii\\_apl\\_15081988\\_mulieris-dignitatem\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/apost_letters/documents/hf_jp-ii_apl_15081988_mulieris-dignitatem_en.html), August 15, 1988.

<sup>36</sup> OS, [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_letters/documents/hf\\_jp-ii\\_apl\\_22051994\\_ordinatio-sacerdotalis\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/apost_letters/documents/hf_jp-ii_apl_22051994_ordinatio-sacerdotalis_en.html), May 22, 1994, 4.

<sup>37</sup> Callahan, “The pope and women.” Op. cit.

<sup>38</sup> *Responsum ad dubium circa doctrinam in Epist. Ap. “Ordinatio Sacerdotalis” traditam*, October 28, 1995.

<sup>39</sup> Primarily Canons 750 and 1371. See ATF, [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/motu\\_proprio/documents/hf\\_jp-ii\\_motu-proprio\\_30061998\\_ad-tuendam-fidem\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/motu_proprio/documents/hf_jp-ii_motu-proprio_30061998_ad-tuendam-fidem_en.html), May 18, 1998.

authority to permit or deny altar service by women and girls in his proper territory, and he was to use his discretion. However, he also acknowledged the difficulty this raised regarding the development of priestly vocations:

With respect to whether the practice of women serving at the altar would truly be of pastoral advantage in the local pastoral situation, it is perhaps helpful to recall that the non-ordained faithful do not have a right to service at the altar, rather they are capable of being admitted to such service by the Sacred Pastors.<sup>40</sup>

Later that year, the CDF, the Congregation for the Clergy and the Congregation for Divine Worship and the Discipline of the Sacraments issued a joint notification, stating that just as women were not be ordained to the priesthood, neither could they be

ordained to the diaconate (as a way out of the dilemma and into priesthood through a sort of back door). In their view, “the authentic promotion of woman in the Church opens other ample prospects of service and collaboration.”<sup>41</sup> However, those prospects are not identified, and neither, apparently, are they forthcoming anytime soon.

For proponents of women’s ordination, achieving recognition, legitimacy, and equality within the sacramental system is a matter of justice, rights, and dignity as conferred not only through the social order but also by virtue of baptism. The CDF may reject the language of rights when considering the full partnership of women in the life of faith, but they seem more comfortable with the language of justice and dignity. How might feminist concerns be recast in a way both more palatable and more compelling?

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<sup>40</sup> “On possible admission of girls, adult women and women religious to serve alongside boys as servers in the Liturgy,” *Notitiae* 37:8/9 (2001), 397-99.

<sup>41</sup> “Notification on diaconate courses for women,” <http://www.zenit.org/english/visualizza.phtml?sid=9980>, September 17, 2001, 3.

## IV. Champing at the Bit: Authority vs. Freedom

*Today, Vatican officials refer to the “scandal” of Christian disunity, seemingly oblivious of its cause: the historical use of the harshest available punishment in the context of controversy and dissent. [...]*

*Clearly the pope and bishops have an important role to play in safeguarding core Christian teachings. But biblical scholars and theologians have an equally important role in developing, interpreting and applying that teaching in different places and times—and their service will be severely compromised where they labor in an atmosphere of narrow constraint and fear. Where disputes occur, whether at the highest levels of the church or the lowest, careful discernment aimed at true understanding and rooted in a spirit of generosity should be the norm rather than an embarrassing rush to punish like the one we have recently seen.*

—Editorial, “Balasuriya Case Shows Folly of Rome’s Harsh Tactics,”  
*National Catholic Reporter*, February 6, 1988

**T**here is faith, and there is reason. At their best, the two can and should illuminate each other. By asserting and being mindful of God’s primacy, everything else will fall into place. So goes the thinking of John Paul II in his encyclical *Fides et Ratio* (*Faith and Reason*), in which he discusses how the magisterium, the

theologians and the faithful should all ideally contribute to how we think about and live out the faith.<sup>42</sup>

For better and for worse, the church is both countercultural and prophetic—not just in the US, where religious practice and belief are so highly contested, but worldwide. It means that its values and sense of time may often not jibe with prevailing beliefs and practices outside the Vatican, which sometimes seems incapable of satisfactorily reconciling its insistence on Jesus as uniquely salvific Christ with the realities of a religiously plural world. In case after case already, we have seen the formation of conscience butting up against cultural norms, and the two (or more) sides battering each other profoundly. Western—and perhaps, more specifically, North American—expectations of a relative openness to inquiry (as befits the times) and a somewhat consumerist take on religion (as something malleable to be shopped for until we find a good fit) leave the church feeling as if its teaching authority is besieged and being undermined. Yet on the other hand, many faithful persevere, despite their own sense that Rome does not understand them, where they are or how they live—is in fact incapable of meeting the faithful halfway, insisting instead on standing firmly on precedent and claims of unwavering tradition. It is a struggle between relevance and eternity, between flexibility and rules, between creative responsiveness and magisterial intransigence.

<sup>42</sup> *Fides et Ratio* (*Faith and Reason*), [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/documents/hf\\_jp-ii\\_enc\\_15101998\\_fides-et-ratio\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_15101998_fides-et-ratio_en.html), September 14, 1998.

The church is in the unenviable predicament of struggling with modernity—the challenge of earlier generations—when most people have long since moved on, being their postmodern selves. This postmodern stance fractures and calls into question the “unchangingness” and unity of worldview that the institutional church used to enjoy and still prefers. It is against this backdrop of pluralism and multiplicity that this crisis of authority and freedom is unfolding. Official decrees to stifle any discussion of problematic questions and controversial topics seem to have the opposite effect, keeping debate alive instead. By the same token, though, the climate is such that it would be all too easy for a theologian or minister of any stature—but most likely a priest or religious, because they may be more easily recognized as an official face and voice of the church—to consider self-censorship for the sake of obedience.

### **A. The Limits of Enculturation: Doing Liturgy and Theology Properly**

One of the great innovations of Vatican II was the promotion of liturgy in the vernacular. There are two cases worth mentioning because those involved reacted to this development in the extreme.

Archbishop Marcel Lefebvre strongly opposed the reforms of Vatican II, not only in liturgy, but also in matters of ecumenism and collegiality. For him, leaving the Latin liturgy behind meant “damaging” the church—as if unity or consistency of practice alone would be enough to guarantee unity and quality of faith. Most notably, he established a network of traditionalist seminaries and chapels through the Society of St. Pius X (SSPX), a confraternity he founded; rejected Paul VI’s 1970 revision of the Roman Missal; and, ultimately, under Ratzinger and John Paul II, proceeded to ordain without permission several bishops who could eventually succeed him in doing the work of SSPX. It was primarily for this last, divisive offense of disrupting apostolic

succession that he split from the church and was automatically excommunicated in 1988. In the Vatican’s view, the love for and practice of the Tridentine Mass is not the issue, especially if permission is granted for it; of greater concern are celebrations by priests rendered invalid by disciplinary action or courting schism.

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On the opposite end of the spectrum is the case of the charismatic “prodigal son” Emmanuel Milingo, former archbishop of Lusaka, Zambia. At issue were his popular healing services, which reportedly crossed the line from enculturation to syncretism consistently. In 2001 he openly flouted his vows of celibacy by marrying a South Korean woman in a mass wedding over which the Rev. Sung Myung Moon himself presided. Upon threat of excommunication, he renounced his wife and severed all ties with the Unification Church and the Rev. Moon.

### **B. Interfaith Dialogue, Relativism, Pluralism and the Limits of Inquiry**

*If we stress too much that “Jesus Christ is the One and Only Savior,” we can have no dialogue, common living, or solidarity with other religions.*

—Preparatory document by the Japanese bishops for the 1998 Synod of Asia

In 1996, Ratzinger went to Mexico to meet with the presidents of the Doctrinal Commissions of the Bishops’ Conferences of Latin America. In his renowned address to them, he decried “the dictatorship of relativism,” claiming it “the central problem of faith for our time.” Sentiments such as these did not arise overnight, to be sure. They had instead

been simmering for several decades already. They had reared their heads already with the investigations of Tissa Balasuriya and Jacques Dupuis. They stepped up strongly in *Veritatis Splendor* (*The Splendor of Truth*, 1993) and *Evangelium Vitae* (1995). But there was more yet to come.

Relativism, as Ratzinger defines and critiques it, is understood as a philosophical problem with political roots and—more importantly—practical, historical and even fleshly consequences. In his view, relativists assert there is no absolute truth; rather, everything is constructed and contingent, depending upon context for interpretation and meaning. In certain cases, this is admirable; after all, in a pluralistic world, where differences abound in religions, cultures and viewpoints, being a good neighbor makes it imperative and just that we try to understand the Other. The desire for moral absolutes and universality makes certain decisions easier. More often than not, though, truth becomes a totalized object, equated with authenticity, while relativism is taken to its extremes of “anything goes” and “nothing is ultimately knowable and sure” to undermine the very ground we must stand on to witness Christ and to seek rightness in truth.

To be fair, though, what is an appropriate way to live with difference and handle Christian exclusivism and claims to superiority, especially in matters of interpretation, belief, practice and, ultimately, salvation? The church values reconciliation and rapprochement with the Orthodox churches, as well as with the liturgically similar Lutherans and Anglicans, making steady progress with each of these groups. In addition, John Paul II did much personally to heal historic rifts with the Jewish community and gained the respect of many Jewish leaders; for him, Judaism was important as a kin of and source for Christianity. But the most difficult

challenge for Rome—and now under Benedict, certainly—remains in relations with Islam<sup>43</sup> and the great religions of the East (such as Hinduism and Buddhism).

Indeed, it does not bode well that Ratzinger, as the head of the CDF, sent a letter to the bishops warning against the practice of Eastern forms of meditation and yoga, saying they must be “subjected to a thoroughgoing examination so as to avoid the danger of falling into syncretism.”<sup>44</sup> In an interview, he called Buddhism a deficient, “autoerotic spirituality that offers transcendence without imposing concrete religious obligations” and even went so far to deem it the new Marxism (1997). He likewise characterized Hinduism, with its notion of karma, as “offering false hope, in that it guarantees purification based on a morally cruel concept of reincarnation resembling a continuous circle of hell.” Several prominent cases on interreligious dialogue as well as internal theological inquiry illustrate more specifically how the CDF under Ratzinger has handled these concerns.

In 1994, Sri Lankan Oblate priest Tissa Balasuriya, a respected thinker and practitioner in the areas of inculturation and interfaith dialogue, came to CDF’s attention for the claims he made in his 1990 book *Mary and Human Liberation*. Given his context (in which Christianity is by far the minority religion among several of longer standing and stronger hold in the culture), he sought to re-interpret Mary in ways that would speak to struggles for justice among women and the poor in the Third World. In particular, he challenged Western images portraying Mary—and, by extension, womanhood—as necessarily obedient, submissive and virginal, proposing her instead as one ready to make difficult choices and sacrifices in order to bring about an ultimate good. Based on his reading of

<sup>43</sup> Ratzinger has been critical of Turkey’s efforts to join the European Union, noting its Muslim heritage and secularist leanings as different enough from traditionally Christian Europe; for him, Europe is a cultural entity rather than a geographical one, and Turkey would be a better fit in some union of Muslim states. See Sandro Magister, “Europe Is Christian, but Turkey’s Crescent Moon Shines in its Skies,” *Chiesa*, [www.chiesa.espressonline.it/dettaglio.jsp?id=19629&eng=y](http://www.chiesa.espressonline.it/dettaglio.jsp?id=19629&eng=y), October 15, 2004.

<sup>44</sup> “Letter to the Bishops of the Catholic Church on certain aspects of Christian meditation,” October 15, 1989, 12.

Mary, he spoke out emphatically for equal rights for women in the Catholic church and demanded women's ordination. In addition, he pointed out that the European understanding of the notion of original sin cannot be reconciled with the Asian image of God. Reading Mary and Jesus with fresh eyes impelled Balasuriya to ask honest, challenging questions about issues such as gender justice, revelation and sin in a context that demands interfaith dialogue, as well as the relationship of local churches with the magisterium for the interpretation and application of the Gospel.<sup>45</sup>

Sri Lankan bishops, though, claimed that he had “misrepresented the doctrine of original sin and cast serious doubts on the divinity of Christ.”<sup>46</sup> The charges of heresy reached the CDF, which began its investigation of him in 1994. Negotiations and clarifications—including a contested profession of faith and a direct appeal (denied) to John Paul II himself for due process—went back and forth. For his alternate interpretations of doctrines and his (perceived) insubordination, he became, in January 1997, the first theologian since Vatican II to be excommunicated. After further petitions and protests from fellow Oblates as well as supporters from the Asian church and elsewhere in the theological world, the CDF later that year issued “new norms aimed at safeguarding the rights of theologians accused of unorthodox or ‘dangerous’ opinions.” He and his champions ultimately prevailed, and he was reinstated the following year, without having to admit to any error.

Jesuit Jacques Dupuis also ran afoul of the CDF for his 1997 book *Toward a Christian Theology of Religious Pluralism*. A moderate long involved in teaching and writing about pluralism, the veteran priest argued that Christ (as the eternal Word of God) may be active and present in other religions besides Christianity; he never wavered, though,

from his fundamentally Christian, trinitarian stance. He brought with him a long career in Jesuit missions, including significant time teaching in India, where he was exposed to the world of non-Christian traditions. For his views, he was suspended from his teaching post at the Gregorian University. The investigation ran for 32 months (1998-2001), and the issues in dispute converged under the nearly concurrent release of *Dominus Iesus*. It was found to have ambiguities but no doctrinal errors, and in the end Dupuis was served with a notification.

Continuing its trend of wariness with theological exploration, the CDF most recently investigated Roger Haight for his 1999 book *Jesus: Symbol of God*. In it he explored questions of Jesus' divinity, the resurrection, the Trinity and salvation for

*Reading Mary and Jesus with fresh eyes impelled Balasuriya to ask honest, challenging questions about issues such as gender justice, revelation and sin in a context that demands interfaith dialogue.*

people of other religions. After a five-year inquiry, during which he had taken a leave from his post at Weston Jesuit School of Theology to deal with the charges, his work was found to have serious doctrinal errors and he was subsequently forbidden to teach as a Catholic theologian. He presently teaches theology at Union Theological Seminary, the bastion of progressive Protestantism in the US. According to the notification, “Father Haight's assertion that Catholic theology must be ‘in dialogue’ with the modern world leads him to downplay or deny central teachings of the church, including that the Word of God was made flesh in

<sup>45</sup> For further details, see the introductory materials and appendices in the expanded edition of his *Mary and Human Liberation* (Harrisburg, PA: Trinity Press International, 1997).

<sup>46</sup> “Chronology of Balasuriya's troubles,” *National Catholic Reporter*, [http://natcath.org/NCR\\_Online/archives2/1998a/013098/bala2.htm](http://natcath.org/NCR_Online/archives2/1998a/013098/bala2.htm), January 30, 1998.

Jesus Christ, that Jesus was divine and that salvation is offered to all humanity through Jesus.”<sup>47</sup>

Perhaps the capstone of the CDF’s stance on inter-religious dialogue was the complex 2000 document *Dominus Iesus (DI)*. It was ill-received by representatives of other religions worldwide because it seemed to reassert the pre-Vatican II claim of “no salvation outside the Church,” categorically declaring instead that: 1) all churches in which apostolic succession is in dispute (i.e. any church other than Roman Catholic and Eastern Orthodox) are defective; and 2) other religions are “gravely deficient,” for their rituals can be “obstacles to salvation” for their followers. John Paul II reportedly gave unqualified support to *DI*, saying that it was offered as grounds for discussion with other faiths.<sup>48</sup> While statements like this were meant to put a check on uncritical religious pluralism—as the CDF had accused Dupuis of promoting—they do not serve ecumenical dialogue and process well. Instead, they apparently question the legitimacy of other faiths. Similarly, other Christian denominations read this assertion of Catholic primacy as a blow to ecumenism.

All this concern about relativism, particularly in relation to other faiths, responds to a perceived loss and devaluing of the transcendent (especially in the West) compared to the immanent, which is far more valued and has become part of the cultural currency. This attention to the here and now detracts from the focus upon eternity and the eschatological; and as we shall see later, it connects with Ratzinger and John Paul II’s critique of liberation theology. Censures such as these make it unmistakably clear that dissent is intolerable, while discipline is key. However, it is more difficult to

make a case for guarding the intellectual tradition and legacy of the Church so tightly that theology should be unchanging. In fact, it has evolved with the times—or, actually, behind the times, considering how long it takes to effect any significant change in the life of the church! Sound theology has the strength and flexibility to meet faithful and seekers where they are, and it will stand as long as there is a core message and a fundamental set of principles. “Contemporary” and “true” need not be mutually exclusive; in turn, truth is not the province of eternity alone. In defense of pluralism, we cannot live in a world of differences without being changed ourselves and seeing ourselves with new eyes. Orthodoxy is, perhaps, the luxury of a homogeneous, isolated enclave, which many people do not experience.

As Benedict settles into the fullness of his papacy, we shall see what orthodoxy in a world of pluralism really means for him—whether it is primarily about belief, teaching and doctrine; or how much actual practices matter; or staking out some philosophical, theo-political territory. That said, he must surely recognize that operating within the demands of a pluralistic society is not the same thing as conceding to “a dictatorship of relativism.” It is disrespectful to the Other (in dignity and all else) to subscribe to a worldview that essentially denigrates their very being. It draws clear lines between who is my neighbor and who is not. In the interest of living together, in integrity and peace, it may be time for moral heroism—the hard faith, as articulated by John Paul II—to cede some ground to moral realism—the daily choices, as lived out, tempering dogma and informing the teaching. Welcome to the church incarnate.

<sup>47</sup> “Vatican restricts teaching by U.S. Jesuit theologian,” *America* 192:6, February 21, 2005.

<sup>48</sup> “Pope says *Dominus Iesus* is Platform for Dialogue,” *Zenit*, October 1, 2000.

## C. Obedience vs. Dissent: Relationship with the Powers That Be

*The truth is not the same as a majority decision.*

—John Paul II<sup>49</sup>

*Having seen fascism in action, Ratzinger today believes that the best antidote to political totalitarianism is ecclesial totalitarianism. In other words, he believes the Catholic Church serves the cause of human freedom by restricting freedom in its internal life, thereby remaining clear about what it teaches and believes.*

—John L. Allen, Jr.<sup>50</sup>

During Ratzinger's tenure at the CDF under John Paul II, the average faithful person could easily detect magisterial creep: a marked centralization of authority (as opposed to more local control in years prior, as an outgrowth of Vatican II); a claim that ultimately nothing was beyond the congregation's scope; a muddying of the waters regarding teaching, as if one were surrounded by rules, all of which were said to carry great weight. What is infallibly taught? What should be definitively held? What should simply be encouraged or discouraged? What are simply magisterial teachings and musings, and what are truly infallible pronouncements by the pope? What role is left for the *sensus fidei* to play except to submit, believe and receive if those in power do not listen carefully to the lived experience of the faithful?

Much has been written about the competing schools or approaches to implementing fully the profound changes set in motion by Vatican II: the *ressourcement* theologians vs. the *aggiornamento*. To summarize briefly (and in doing so, generalize a little), the *ressourcement* thinkers were *nouvelle théologie* continentals like Henri de Lubac, Jean Danielou and Hans Urs von Balthasar, who were his theological

partners in establishing the journal *Communio*. They were “modern orthodox,” drawing significantly upon the sources of faith, primarily Scripture and patristics. They were Thomists, with personalist approaches to theology. For them, Vatican II was a council about spirituality and doctrine, focused on “the one true faith” and underscoring the need, worth and importance of continuity with tradition as it has developed. The church, for these men, is both the people of God and a gift from God, something from above.

*During Ratzinger's tenure at the CDF under John Paul II, the average faithful person could easily detect magisterial creep.*

By contrast, those in the *aggiornamento* camp tended to come more from the Americas and the developing world; Karl Rahner, Hans Küng and Edward Schillebeeckx are among its most famous proponents. Open to modernity and to engagement with “everyday life in the real world,” they recognized the desirability of relevance and necessity of valuing and respecting other religions. For them, Vatican II was a political and pastoral event more than a doctrinal one, and they saw the council modeling the church as a collaborative enterprise for the common good. Their primary journal, *Concilium*, exhibits a *congregatio* sensibility: a church created from the ground up rather than delivered top down.

What is also interesting to see is the two parties both claiming to follow in the true spirit of Vatican II; both are correct, but the legacy and meaning of the council is still sorting itself out in the life of the church, among the people and in the institution alike. Twenty years after the conclusion of the council, Ratzinger viewed the church as being in a state of “crisis of ecclesiology” (i.e. how should the church

<sup>49</sup> John Paul II, quoted in “Freedom to serve their master,” *Times* (London), May 18, 1988.

<sup>50</sup> As cited in Daniel Williams, “Strict prelate becomes voice of the Vatican,” *Washington Post*, November 5, 2004.

function?) that must be resolved, and it is that notion which perhaps most shaped his tenure at the CDF and may yet define his papacy. In his view, Vatican II cannot be undone *per se*, but rather must be seen in context, connected to the rest of the church's history and project. Living within the spirit of Vatican II necessitates careful reading, interpretation, teaching and application of the council's texts

*Related to these struggles with relativism and interfaith understanding and indeed a forerunner to them all is the Vatican's known hostility to liberation theology.*

in the world. So while he appreciates the work of Vatican II, he interprets it in a *ressourcement* vein, with its desire to focus on the roots and traditions. However, this leads one to wonder what it means for the church as a cultural, political, social and spiritual force. Such a view concentrates the power of the magisterium as ultimately decisive in the life of the church, and three cases illustrate the tension it has caused: those of the great Latin American liberation theologians (Leonardo Boff, Gustavo Gutiérrez and Ernesto Cardenal, among others who freely mixed politics and religion in this vein), Charles Curran and Thomas Reese.

Related to these struggles with relativism and interfaith understanding and indeed a forerunner to them all is the Vatican's known hostility to liberation theology, especially in its heyday during the 1970s and 1980s. John Allen draws interesting parallels between the two movements:

Ratzinger's comparison of religious pluralism with liberation theology is in some ways an apt one. Both reflect what theologians have

called the "irruption" of the Third World into Catholic consciousness. Liberation theology calls attention to massive poverty in the Third World; pluralism begins with the observation that outside Latin America, most of the Third World is non-Christian. Both movements reflect the post-conciliar turn in Catholic theology away from internal church concerns and toward the "joys and hopes, the griefs and anxieties" of the wider world. Liberation theology seeks signs of God's purpose in the struggle for social and political emancipation; the theology of pluralism seeks elements of truth and grace in other religions. For Ratzinger and others who believe a naive opening to the world was the fundamental flaw of the council, both movements are therefore suspect.<sup>51</sup>

Despite liberation theology's social justice value, especially in terms of its responsiveness to the real needs of people deprived of the basics needed for human dignity—the preferential option for the poor—the Vatican found liberation theology disturbing, declaring that its Marxist overtones (namely, its atheist sympathies and its emphasis on the collective rather than the individual) compromised the Gospel and rendered the notion (and the movement) fundamentally incompatible with Christianity. Salvation, the CDF argued, is more than just freedom from earthly wants, pains and oppressions—the sinful social structures that destroy rather than help flourish. Liberation from sin—the transcendent dimension of salvation—must remain part of the picture.<sup>52</sup>

For their part in liberation struggles, many theologians were muzzled. Activist bishops were replaced with conservative ones more responsive to Rome. Leonardo Boff, the Brazilian Franciscan, was silenced in 1985 for a year for his book *Church:*

<sup>51</sup> John L. Allen, Jr., "Doubts about dialogue," *National Catholic Reporter*, August 27, 1999, [http://natcath.org/NCR\\_Online/archives2/1999c/082799/082799a.htm](http://natcath.org/NCR_Online/archives2/1999c/082799/082799a.htm)

<sup>52</sup> Cf. *Instruction on Certain Aspects of the Theology of Liberation* (6 Aug 1984); and *Instruction on Human Liberation and Freedom*, March 22, 1986.

*Charism and Power*, in which he argued for local power, saying that the church hierarchy was not the structure Jesus intended; rather, the faithful themselves can cultivate authority from within their own communities. He was threatened with silence a second time in 1992 and eventually left the priesthood (or, as Boff himself put it, “promoted himself to the lay state”) to continue his work as a theologian and activist. Since his departure, he has focused on articulating the links between eco-theology, economic ethics and social critique.

For Catholic theologians in the US, the CDF’s treatment of moral theologian Charles Curran is perhaps the definitive post-Vatican II case, outlining the bounds of what constitutes acceptable thought and scholarship. From the release of *Humanae Vitae* (1968) onward, Curran forged a reputation for forward thinking that ran counter to church teaching, especially in the area of sexual ethics and the full range of right-to-life issues, as well as the status of women. For insisting upon his right to dissent from teachings that were not infallibly taught, he was investigated, beginning in 1979. In 1986 he received a notification from the CDF, stripping him of his credentials to teach Catholic theology in a Catholic institution. He was subsequently removed from his tenured post at the Catholic University of America, a pontifical university.

In 1990 the CDF issued the *Instruction on the Ecclesial Vocation of the Theologian*, as if in response to this affair and other instances of dissent like it. Among its noteworthy arguments are: 1) that the magisterial teaching is hardly up for debate, especially in an environment of theological pluralism; 2) that the *sensus fidei* is not merely the opinion or consensus of the faithful but the true discernment of the whole church, hierarchy included; and 3) that freedom and conscience are not reason enough to dissent because neither is infallible and both depend on correct formation.<sup>53</sup>

Still deeply concerned about the use of authority in the church and the teaching authority of the whole body, Curran reflected some years later:

Papal teaching has never explicitly recognized the legitimacy of dissent from noninfallible teaching. The 1990 *Instruction on the Ecclesial Vocation of the Theologian* explicitly recognizes no option between private recourse by theologians to the magisterium and public opposition to the church.

In the recent commentary, Ratzinger now claims that the teachings on euthanasia, fornication, the impossibility of ordaining women and the condemnation of Anglican orders are all infallible by reason of having been taught as such by the ordinary universal magisterium, which is all the bishops in communion with the pope throughout the world over time. At best, this is a fallible judgment that something is infallible.<sup>54</sup>

In May 2005, Thomas Reese, SJ, voluntarily resigned—but under sustained Vatican pressure upon the leadership of the entire Jesuit order—from his position as editor of the influential and highly respected *America* magazine. This move stunned the Catholic press in the US and abroad—liberals, moderates and conservatives alike. According to Jesuit officials, the magazine had been a concern for some time, particularly for articles devoted to exploring *Dominus Iesus* and other church documents, inclusive language in the liturgy, CDF internal process in cases being investigated, stem-cell research, same-sex marriage, homosexual priests, mandatory priestly celibacy and the reception of Communion by prochoice Catholic politicians. CDF officials say that they were responding to complaints by some US bishops, none of whom has been named or come forward. It was the magazine’s policy to present multiple sides of the same issue, including viewpoints that differed from official

<sup>53</sup> *Instruction on the Ecclesial Vocation of the Theologian*, May 24, 1990, 34-39.

<sup>54</sup> Charles E. Curran, “*Humanae Vitae*: Still Controversial at 30,” *National Catholic Reporter*, July 31, 1998.

Vatican positions or were even critical of them; however, the CDF sentiment was that as a Catholic publication, *America* was obligated to defend church teaching regardless. It was not about what views Reese may have held personally, but rather that in promoting this sort of multilayered debate (as is typical of most journalism), he was putting church teaching and critique on the same footing; the CDF thought that church teaching should always be asserted and emphasized as clearly the better and obvious choice.<sup>55</sup> Reese had been under watch for some time, and it was reported that if he did not resign, a board of censors would be appointed to oversee the magazine and sign off on its editorial choices.

The chief difficulty that cases like these raise is that of intellectual freedom: must a Catholic theologian always be an apologist? If so, does that not shut down conversation and preclude any openness to the work of the Holy Spirit toward evolution in one direction or another? If not, what are the ground rules for the development of theological thought and discourse? What does it ultimately cost the church for the hierarchy to always be in the right and incapable of admitting any fault, any error, any bit of weakness? To paraphrase Curran, authority must conform itself to the truth—not the other way around.

## D. Catholics in Political Life

On what grounds may one participate in political life and church life? What are matters of conscience, and when may we legitimately invoke the “conscience loophole” in order to persist in dissent? Where do we

draw the line between private beliefs and practices and public policies to determine what will best serve the greater or common good? In the cycle of the 2004 elections, these questions came to the fore for Catholic politicians, particularly those known to be prochoice or otherwise holding views and promoting policies that diverge from church teaching.<sup>56</sup>

In August 2004, Ratzinger wrote to Cardinal Theodore McCarrick, advising clergy that they were obligated to refuse Communion to any politician who supported abortion rights because this constituted cooperation with grave sin;<sup>57</sup> in fact, in the CDF’s hierarchy of sin, abortion and euthanasia—issues of life—carried more weight than other moral issues, including capital punishment and war. The letter further advised Catholic voters how to choose in good and faithful conscience when the slate included prochoice options. In the end, the US bishops decided to leave to local bishops the decision whether to deny communion to any such person.

Conservative Catholic activists jumped into the fray. Marc Balestrieri, a Santa Monica-based canon lawyer and head of the organization De Fide, has gone so far as to file a “class-action ecclesiastical lawsuit” against the Boston archdiocese. He denounced former presidential candidate Senator John Kerry (D-MA) and other prominent prochoice Catholic politicians—Senator Susan Collins (R-ME), former governor Mario Cuomo (D-NY), Senator Tom Harkin (D-IA) and Senator Edward Kennedy (D-MA)—as heretics<sup>58</sup> who should be automatically excommunicated for their views and practices that reject church teaching as detailed in *EV* and the *Catechism*.<sup>59</sup> The suit is still active, as of this writing.

<sup>55</sup> The CDF has also previously intervened in the publication of other magazines by religious orders: 1) *Famiglia Cristiana*, an Italian publication of the Pauline Fathers, in 1997, after it had run articles supporting communion for divorced and remarried Catholics and refusing to censure teenagers for masturbation; and 2) *U.S. Catholic*, published by the Claretians, in response to a 2002 feature it had run regarding women who felt called to the priesthood. The CDF demanded that a corresponding piece be published, clarifying the church’s actual teaching on the matter. *Stimmen der Zeit*, a German Jesuit journal, is presently under investigation.

<sup>56</sup> *Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life*, November 24, 2002, [www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20021124\\_politica\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20021124_politica_en.html).

<sup>57</sup> “Worthiness to Receive Holy Communion—General Principles,” memorandum from Cardinal Ratzinger to Bishop Wilton Gregory and Cardinal Theodore McCarrick (Jun 2004), as published in *L’Espresso*, June 2004, [http://catholicculture.org/docs/doc\\_view.cfm?RecNum=6041](http://catholicculture.org/docs/doc_view.cfm?RecNum=6041).

<sup>58</sup> “Pro-Abortion Catholic Politicians Targeted by Canonical Lawsuit” January 21, 2005, [ww.lifesite.net/ldn/2005/jan/05012102.html](http://www.lifesite.net/ldn/2005/jan/05012102.html).

<sup>59</sup> *EV*, 73-74; CCC, 2270.

# V. Steering the Church Back into “Balance, Rereading and Recovery”

*A church that cannot openly discuss issues is a church retreating into an intellectual ghetto. And the issues are many: birth control, divorce, women priests, married priests, homosexuality, the selection of bishops, the overcentralization of decision making in the Vatican, inclusive language, inculturation of the liturgy, catechetics, intercommunion and the role of the laity in church governance. There are no simple answers to these issues, and reformers must recognize that every change has both positive and negative effects. But without open discussion, church life will become more and more dysfunctional.*

— Editorial, “Challenges for the New Pope,”  
*America*, April 25, 2005

**I**n the brief time since Ratzinger assumed papal power and responsibility as Benedict XVI, it has been heartening to see some movement away from a hyperacademic stance (however sound and justifiable the reasoning) toward a more pastoral, more temperate sensibility, as revealed through his announcements and appointments. Nonetheless, his path is worth watching. For example, in May 2005 he chose San Francisco Archbishop William Joseph Levada to succeed him as prefect of the congregation. A member of the CDF since 2000 and current chairman of the USCCB’s Committee on Doctrine, Levada is Benedict’s longtime protégé and ally, and he is said to be cut from the same theologically conservative cloth. His appointments and work experience in his rise up the hierarchy, however, reflect areas of concern both for Catholics in the US and for the global church:

- Growth through effective parish ministry, campus ministry and teaching at all levels of education;

- The recruitment of priestly vocations, the ongoing formation of clergy and the development of seminary life;
- Activity on issues of bioethics, catechesis/doctrine, ecumenical dialogue, clergy sexual abuse and the participation of Catholics in political life.

What model of church shall we follow? It may not be as simple as looking, for instance, at Avery Dulles’ classic models of the church and choosing one, or even as choosing between the *aggiornamento* and the *ressourcement* paths. Much has been made of Benedict’s statement that it may be better to prune the church so that she can be tougher and stronger—that by establishing and maintaining a hard line, they run the risk of attrition rather than growth, although the prospect of growth may still be present in the long run. But that is a risk he seems willing to take.

If anything, the tensions within the church since Vatican II and particularly under the leadership of John Paul II and his *de facto* vice-pope, Ratzinger, would seem to indicate that a “do it harder” approach (as a response to the direct challenges of modernity and postmodernity—from an institution wary of it and steeped instead in the language of mystery) will not necessarily yield better or desired results. Sometimes it is preferable to “do it differently.” To be truly prophetic, the church must find a more satisfying balance between collegiality, as modeled during Vatican II, and centralization, as modeled under John Paul II. Being pastoral, by contrast, need not mean suspending one’s beliefs and critical faculties. A church of bound spirits and bound hearts runs the danger of ossification and

institutional sclerosis. The need to listen deeply to laity—to the human dimension of this body—remains, for the church is also a human institution,

not just eternal and transcendent. A lived and living church seeks perfection but need not hide its striving, its messiness and its humanity.

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# APPENDIX

Individuals notified, silenced, excommunicated, or otherwise investigated and disciplined/censured by the Congregation for the Doctrine of the Faith, directly or indirectly

Cardinal Joseph Ratzinger, Prefect (1979 - 2005)

(in reverse chronological order)

## 2005

**Fr. Thomas Reese, SJ**—Under pressure from the CDF, the Jesuits removed Reese from his post as editor of *America* magazine for his insistence on presenting multiple points of view (and not only official church teaching) on such hot-button issues as HIV/AIDS, homosexuality, abortion/contraception, priestly celibacy and pluralism/ecumenism. A renowned scholar on church organization and politics, he has since gone on sabbatical at Santa Clara University.

## 2004

**Fr. Roger Haight, SJ**—Was found to be in grave doctrinal error and banned from teaching Catholic theology. The CDF took issue with his take on Jesus' divinity, the Trinity and the meaning and value of Jesus' death and resurrection, among other points.

## 2002

**The Danube Seven**—In late June, seven women were “illicitly and invalidly” ordained as priests, and were promptly excommunicated on the Feast of Mary Magdalene (July 22) when they did not repent as the CDF ordered.

**Fr. Willigis Jäger, OSB/Ko-un Roshi**—This German Benedictine and Zen master was ordered to cease all public activity (teaching, writing and presenting). According to John L. Allen, Jr., of the *National Catholic Reporter* (March 1, 2002), “Jäger has been faulted for playing down the Christian concept of God as a person in his work as a spiritual guide, and for stressing mystical experience above

doctrinal truths.” In other words, he questioned the relationship between spiritual experience and doctrinal claims.

**Fr. Josef Imbach, OFM Conv**—Assigned a year of “reflection,” or suspension, while his 1995 book on miracles (in English translation, *Miracles: A 21st Century Interpretation*, 1988) was under review. Again, John L. Allen, Jr., writes in the *NCR*: “Imbach...was accused of not believing in the divinity of Jesus, of refusing the magisterium of the church, of describing the gospels as teaching texts rather than historically reliable accounts, and of excluding the possibility of miracles. He denied holding these views.”

**Fr. Thomas Aldworth, OFM**—This Chicago theologian, author and pastor was censured for how he presented teachings on original sin and related points in two books he wrote for popular audiences, *Shaping a Healthy Religion, Especially If You Are Catholic* (1985) and *Fashioning a Healthier Religion* (1992).

## 2001

**Fr. Paul Collins, MSC**—Resigns from active priesthood following his investigation (details below, 1998). He has continued speaking out on issues of sexual abuse and aspects of the papal office.

**Fr. Antonio Rosmini Serbati**—The case involving this 19th-century priest, whose works were once on

the list of prohibited books, was reconsidered and partially rehabilitated.

**Fr. Marciano Vidal, CSSR**—Vidal’s writings as investigated (see below, 1997) would be revised and include evidence of the notification, but would not be permitted for use in theological formation.

**Fr. Jacques Dupuis, SJ**—Censured, but never officially disciplined, for his teachings on religious pluralism that (among other things and by Ratzinger’s reading) did not insist sufficiently on Jesus Christ’s unique capacity to save.

**Abp. Emmanuel Milingo**—Long an unconventional healer and unofficial exorcist as well as a critic of what he perceived as the hierarchy’s “toleration” of homosexuality and lack of celibacy within the priesthood, he was threatened with excommunication for attempting marriage to Maria Sung through the Rev. Sun Myung Moon’s Unification Church and refusing the discipline of celibacy. He renounced the marriage.

**Fr. Gustavo Gutiérrez, OP**—Seeking a haven from his conservative archbishop, Gutiérrez joined the Dominicans.

**Fr. Roger Haight, SJ**—The CDF was not satisfied with the clarifications he offered as responses to their questions, so it began a full investigation of his work.

## 2000

**Sr. Lavinia Byrne, IBVM**—Under fire for her beliefs about contraception and, more significantly, the ordination of women to the priesthood, she refused to recant and was compelled to leave religious life.

**Prof. Dr. Reinhard Meßner (Innsbruck, Austria)**—This historian of liturgy came under scrutiny for his writings (done while a graduate student) on the sacramental life of the church. The CDF issued a 16-point censure, with the main points being that: 1) thanks to the magisterium’s role in interpreting

revelation, later (and present) church practice should not be evaluated based on early church experiences; 2) Christ definitively instituted all seven sacraments, as well as apostolic succession; and 3) “there can be no contradiction between the declarations of church authorities and the practice of the church in liturgies. In other words, historical liturgical texts or data may not be regarded as authoritative when they conflict with church teaching.”

**Fr. Roger Haight, SJ**—The CDF notified him of questions regarding his Christology and theological method as written in his 1999 book *Jesus: The Symbol of God*. He was suspended from his teaching post at Weston Jesuit School of Theology.

## 1999

**Michael Stoeber**—The board of trustees at the Catholic University of America denied tenure to this professor of Eastern religions in the Religion and Religious Education department despite unanimous approval by the Academic Senate. There was concern about some of his writings that compared Hindu reincarnation and Christian resurrection. The CDF became involved in the review, since all eight US cardinals and 16 other bishops are on the board; it was at one cardinal’s request that Stoeber’s work was scrutinized.

**Sr. Jeannine Gramick, SSND & Fr. Robert Nugent, SDS**—The CDF finally sanctioned them for not adequately representing authentic church teaching about homosexuality. Their religious congregations did likewise, essentially prohibiting them from participating in public ministry to homosexuals. Nugent accepted the sanctions; Gramick, in conscience, left her order to join the Loretto Sisters in 2004.

## 1998

**Perry Schmidt-Leukel**—This lay theologian came under fire for his 1997 book *Theology of Religions*; he has since not been permitted to teach in German Catholic theology departments.

**Fr. Anthony de Mello, SJ**—The renowned retreat master, spiritual director and psychotherapist was

censured posthumously (d. 1987) for not being Christocentric enough and, more generally, not hewing sufficiently closely to Catholic orthodoxy, i.e. being too open to readers and seekers who were not specifically Catholic or even religious.

**Fr. Jacques Dupuis, SJ**—Investigated for suspected heresy in his 1998 book *Toward a Christian Theology of Religious Pluralism*.

**Sr. Lavinia Byrne, IBVM**—Ratzinger directs Liturgical Press (owned and run by the Benedictine monks at St. John's Abbey, Collegeville, Minnesota) to destroy all 1,300 remaining copies of Byrne's book *Woman at the Altar* in stock.

**Fr. Paul Collins, MSC**—This Australian priest, church historian, and broadcaster was investigated for his book *Papal Power*, and the CDF accused him of holding "an erroneous concept of papal infallibility," as well as misunderstanding *sensus fidelium* to include only the laity and not the hierarchy as well.

## 1997

**Fr. Tissa Balasuriya, OMI**—This notification was a response to the escalation of complaints from the bishops' conference of Sri Lanka against Balasuriya for his 1994 book *Mary and Human Liberation*. The bishops exhorted the faithful to avoid this text, which, they said, "contained statements incompatible with the faith of the Church regarding the doctrine of revelation and its transmission, Christology, soteriology and Mariology." The final push was Balasuriya's refusal to sign a prepared profession of faith; he argued that he was still within the bounds of orthodoxy. After prolonged censure and continued public outcry, he was reinstated in 1998.

**Fr. Marciano Vidal, CSsR**—The CDF began its investigation of Vidal based on his body of work, with specific attention to a three-volume manual he wrote on morality. They took specific issue with his portrayal of the relationship between scripture, tradition, the magisterium and the theologian, as well as particular points on person, sexuality, bioethics, social morality, eschatology and utopia.

## 1995

**Bp. Jacques Gaillot**—He was removed from his post as bishop of Evreux, France, for unorthodox stances and conduct regarding poverty, homelessness and contraception. He was instead sent to lead the diocese of Partenia, a long-lost African diocese, and is doing so as a virtual diocese online ([partenia.org](http://partenia.org)).

**Mrs. Vassula Ryden**—This Greek Orthodox woman claimed to see visions and bring messages directly from Jesus. The CDF warned the faithful of errors in her writings and speeches and claimed that these were products of her meditation rather than any divine or supernatural source.

**Ivone Gebara, SND**—The CDF picked up where the Brazilian hierarchy left off (see below, 1993), reviewed her other writings, and pressured her order to discipline her. She was silenced for two years.

**Sr. Lavinia Byrne, IBVM**—Bishop John Kinney (St. Cloud, Minnesota) reported to the CDF the US publication of Byrne's 1994 book *Woman at the Altar*, which argued for women in the priesthood; by a stroke of timing, it was already in process at the UK publisher when John Paul II issued *Ordinatio Sacerdotalis*. She asked that the document be included as an addendum to her text. Pending further investigation, her superiors asked her to refrain from teaching or speaking publicly about women's ordination.

**Sr. Carmel McEnroy, RSM**—In 1994, McEnroy was one of hundreds who signed an open letter to John Paul II in response to *Ordinatio Sacerdotalis*, requesting further discussion on the issue of women's ordination. The letter ran in the *National Catholic Reporter* and did not include her school affiliation. Nonetheless, she was fired for doing so, and without due process. (As with William Donn's 1987 case below, it is unclear what role the CDF may have played in this matter, or whether it is more appropriately local. Also, as with the silencing of Charles Curran and many others, this points up the raw tensions between academic/intellectual

freedom and the CDF's expectations that theologians should present—and assent to—church teaching without ever engaging it critically.)

### 1993

**Ivone Gebara, SND**—The Brazilian nun was investigated by her nation's bishops for having publicly defended legal abortion. They resolved the matter by having her affirm her opposition to abortion.

### 1992

**Fr. Eugen Drewermann**—This priest and Jungian psychotherapist was criticized for exegeting biblical texts with psychoanalytic criteria in mind (see his 1988 book *Tiefenpsychologie und Exegese*), as well as for his views on resurrection and the virgin birth. In 1991 his archbishop denied him the right to preach or teach and began proceedings against him.

**Fr. André Guindon, OMI**—Investigations began into his 1986 book, *The Sexual Creators*, specifically for his views on homosexuality, premarital sex and birth control.

### 1991

**Fr. Leonardo Boff, OFM**—Boff was nearly silenced again, so that he would not attend and speak out at the Earth Summit (Rio de Janeiro, 1992). The following year, he “promoted himself to the state of laity” and left the Franciscans and eventually the priesthood.

### 1990s

**The Society of Jesus**—Gerald Renner of the *National Catholic Reporter* (August 11, 2000) notes: “Several American Jesuits have been targeted by Vatican crackdowns in recent years. Specifically, the Vatican has refused to approve at least five US Jesuits to serve as administrators or members of pontifical faculties at Weston School of Theology, Cambridge, Mass., or Jesuit School of Theology, Berkeley, Calif. The Jesuits include: Frs. William J. Rewak, Edward Glynn, Michael Buckley, David Hollenbach and John Baldwin.”

### 1988

**Fr. Gustavo Gutiérrez**—The CDF attempts yet another investigation of Gutiérrez.

**Abp. Marcel Lefebvre**—This staunch opponent of Vatican II reforms (such as ecumenism and the Mass in vernacular rather than Latin), who founded the Society of St. Pius X, was excommunicated for consecrating four bishops despite warnings from John Paul II, thus risking schism and jeopardizing apostolic succession.

**Sr. Jeannine Gramick, SSND & Fr. Robert Nugent, SDS**—Investigations renewed.

### 1987

**Dr. John McNeill, SJ**—In 1986 he disobeyed his 1977 orders demanding silence about homosexuality, thus compelling the Jesuits to expel him formally. The expulsion became effective in 1987, and he has since worked as a psychotherapist in private practice and remains active in DignityUSA.

**Fr. William Donn**—Was similarly forced to resign from the Newman Center at St. Cloud State University in Minnesota for disagreeing with the Church's teachings on homosexuality. (It is unclear what role the CDF may have played in this matter, or whether it is more appropriately local.)

**Abp. Raymond G. Hunthausen (Seattle archdiocese)**—After much protest from the archdiocese and fellow bishops, the Vatican reinstates Hunthausen's authority and exchanges the auxiliary bishop for a coadjutor instead.

### 1986

**Fr. Charles Curran**—Formerly a professor of moral theology at Catholic University of America, he had his license to teach Catholic theology revoked because of his challenges to *Humanae Vitae* and related stances on contraception and medical ethics. The underlying reason, though, was his insistence on his right to challenge (and dissent from) noninfallible teachings. CUA formally dismissed

Curran the following year. He presently teaches in the Religious Studies Department at Southern Methodist University.

**Fr. Gustavo Gutiérrez**—The CDF issues yet another instruction against certain aspects of liberation theology.

**Fr. Edward Schillebeeckx, OP**—Investigated for his 1985 book *The Church with a Human Face*.

**Fr. György Bulányi, SP**—This Hungarian priest and founder of the base Christian community movement was accused of heresy for encouraging the growing conscientious objector movement against compulsory military service. In 1981, the Hungarian bishops condemned his writings, forbade him to practice as a priest and forwarded his case to the CDF, which excommunicated him. He was officially rehabilitated in 1998.

## 1985

**Fr. Leonardo Boff, OFM**—The renowned Brazilian human rights advocate, liberation theologian and suspected Marxist was silenced (forbidden to teach, speak or write and suspended from religious duties) for his liberation theology book *Church: Charism and Power*. The CDF's concerns lay in the areas of church structure, dogmas and revelation, the exercise of sacred power and the role of the laity. International pressure led to the silencing being lifted one year later.

**Abp. Raymond G. Hunthausen (Seattle archdiocese)**—As a result of Abp Hickey's report (see below, 1983), the Vatican appoints an auxiliary bishop to Seattle and transfers much of Hunthausen's power to his subordinate.

## 1984

**Sr. Barbara Ferraro, SNDdeN & Sr Patricia Hussey, SNDdeN**—They were among a group of 91 priests and nuns who had signed a full-page ad in the *New York Times* that noted the diversity of opinions about abortion among Catholics. The Vatican

ordered all signatories to recant and withdraw support for the ad. Ferraro and Hussey refused and finally left their order in 1988.

**Fr. Gustavo Gutiérrez**—The CDF issues an instruction against certain aspects of liberation theology.

**Fr. Edward Schillebeeckx, OP**—Investigated for his 1980 book *The Ministry in the Church*, in which he espoused the "Protestant" notion that a Christian community should have some say in choosing its ministers.

**Sr. Jeannine Gramick, SSND & Fr Robert Nugent, SDS**—Investigations begin into their ministry (New Ways Ministry) to homosexuals.

## 1983

**Sr. Mary Agnes Mansour, RSM**—She was the director of Michigan's Department of Social Services, where her job included administering Medicaid funds for abortions. She had taken the job with her bishop's permission, yet this was deemed to conflict with her role as a nun. According to the Sisters of Mercy, "she said that while she personally abhorred abortion, as long as it was legal it would be unfair to permit it only for women who had the means to afford it." A papal emissary delivered an ultimatum: leave her DSS post or leave her order. She reluctantly chose the latter. A lifelong educator and social reformer, she was inducted into the Michigan Women's Hall of Fame in 1988.

**Sr. Elizabeth Morancy, RSM & Sr. Arlene Violet, RSM**—Both women were active in political life in Rhode Island, having been elected to office as state representative and attorney general respectively. Like Mansour above, each was presented with an ultimatum and chose to follow her ministerial vocations.

**Fr. Ernesto Cardenal**—John Paul II scolded this liberation theologian, priest and poet (and four other priests) for serving in the Sandinista government.

The Vatican ordered them to quit those posts. Cardinal declined and consequently was denied the authority to serve as a priest. He continued as the minister of culture until 1988 and eventually left the Sandinista party in 1994, levying charges of corruption against the changing leadership.

**Fr. Gustavo Gutiérrez**—The Vatican notified the Peruvian bishops of 10 suspect points in Gutiérrez' writing (on liberation theology) and demands that they condemn him. The bishops refused.

**Abp. Raymond G. Hunthausen (Seattle archdiocese)**—Investigated following complaints of liturgical abuse and for his recognition of DignityUSA, an organization of GLBT Catholics. Abp James Hickey (Washington, DC) performed a visitation and review at the Vatican's request.

**Cdl. Joseph Höffner**—Archbishop of Cologne, investigated regarding the "Work of the Angels." No further details available.

**Abbé Georges de Nantes**—This archconservative French priest's notoriously anti-Vatican II activities (since the opening of the council) earned him a suspension from his superior. Comparable to Marcel Lefebvre, he founded the League of the Catholic Counter-Reformation (CRC) and wrote "Books of Accusation" against Paul VI, John Paul II and the author of the 1993 *Catechism*.

**Abp. Pierre Martin Ngo Dinh Thuc**—Excommunicated for consecrating (from 1976 onward) many bishops without papal approval, thus fostering splinter groups, courting schism and risking apostolic succession.

**Fr. Matthew Fox, OP**—This Dominican theologian taught what he called "creation spirituality," which, critics argued, "contaminated" Catholic teachings and practices with New Age sensibilities. For "advocating panentheism," and additionally for his views on sexuality and original sin, he was

censured and forbidden to teach. He was dismissed from the Dominicans in 1993 for refusing to return home to the Midwest and received as an Episcopal priest in 1994.

## 1982

**Bp. Alan C. Clark**—This bishop of East Anglia was co-chair of the Anglican Roman Catholic International Commission (ARCIC), a group working toward theological rapprochement between the two churches. He was investigated concerning ambiguities and points of theological conflict—real presence in the Eucharist, apostolic succession, interpretation of scripture and women's ordination—in a report he wrote on the commission's behalf.

**Fr. Anthony Kosnik (Detroit archdiocese)**—Following the investigation for the *Human Sexuality* study, Kosnik was pressured to leave his faculty post at SS. Cyril & Methodius Seminary. The school rallied successfully to get him reinstated, but he was eventually forced to resign altogether the following year.

## 1980s

**The Society of Jesus**—In a *New Yorker* article (May 2, 2005), Jane Kramer argues that Jesuits were systematically targeted because their commitments and activities (e.g. liberation theology) were out of step with the ascendant priorities and values of the Vatican in John Paul II's papacy. She wrote: "During [Ratzinger's] first ten years as Prefect [of the Congregation for the Doctrine of the Faith], the Jesuits were censured for challenging papal teachings on contraception, parts of their constitution were suspended, and their Vicar General, Vincent O'Keefe, a passionate advocate for social justice, was removed." (39) She does not make O'Keefe's particular role clear.

## Dates unspecified

**Fr. Karl Rahner**—One of the 20th century's theological giants, Rahner was often in the Vatican's eye—silenced under John XXIII, rehabilitated

under Paul VI, peritus for the German bishops at Vatican II, and then back under scrutiny during John Paul II's reign. The issues of greatest concern for the CDF from his corpus include priestly ordination, contraception and his classic notion of "the anonymous Christian." After his death (1984) and by the time of his centenary (2004), the CDF had come around to declare him orthodox at last.

**Bp. Dom Pedro Casaldáliga** (Sao Félix, Brazil)—This liberation theologian was criticized on many occasions for his political engagement beyond the borders of his own diocese.

**Fr. August Bernhard Hasler**—This priest, historian and former staffer of the Vatican's Secretariat for Christian Unity published his 1979 book *How the Pope Became Infallible*, a study of Pius XII's push for this power. Under fire like Küng before him, he eventually left the priesthood.

"Six Claretian priests from Madrid" were noted in an *NCR* article by Dawn Gibeau ("Today's sinners in eyes of the Vatican may very well be tomorrow's saints," February 3, 1995), but no further details on dates or the reason for their being investigated were mentioned.

**Msgr. Luigi Sartori**—The former president of the Italian Theological Association and consultant to the Secretariat for Non-Christians was denounced to the CDF by the Padua branch of *Communion and Liberation*, and as a result his teaching privileges at the Lateran University were severely restricted.

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#### Other noteworthy investigations and censures leading into Ratzinger's tenure:

### 1979

**Fr. Hans Küng**—His license to teach Catholic theology was revoked, but he remained on the

Tübingen faculty, teaching ecumenical theology instead.

**Fr. Edward Schillebeeckx, OP**—The CDF began investigating him for his Christology, but bowed to international pressure the following year to end the drive for a trial. Schillebeeckx has since continued to write pieces that purportedly conflict with church teaching, and he receives notifications regularly.

**Fr. Anthony Kosnik (Detroit archdiocese)**—Came under fire for his theology in *Human Sexuality*, a study he co-authored on behalf of the Catholic Theological Society. The Vatican disliked the study's theology and Kosnik was pressured to resign in 1982 from Ss. Cyril and Methodius Seminary. Seminarians and faculty threatened to boycott the school's spring commencement if Kosnik was not reinstated. He got his job back, but was forced to resign the next year.

**Fr. Jacques Pohier, OP**—For his teachings on the resurrection, he has the distinction of being the first theologian John Paul II disciplined as pope. Then the dean of theology faculty at a French Dominican theological school, he could no longer teach theology, say Mass or participate in liturgies. He left the Dominicans six years later.

**Fr. Charles Curran**—Investigations begin.

### 1977

**Dr. John McNeill, SJ**—He was silenced and forbidden to discuss homosexuality or minister to homosexuals.

### 1975

**Fr. Hans Küng**—While Ratzinger was archbishop of Munich, investigations began regarding his views on papal infallibility.

**Fr. Bernard Häring (German Redemptorist)**—Originally in the Vatican's good graces, especially under John XXIII, he was publicly critical of *Humanae Vitae* upon its release (1968) and not long

afterward became the subject of investigation by the CDF. He was equally critical of John Paul II's *Veritatis Splendor*. The charges against him were never entirely resolved before his death in 1998.

### **1974**

**Dr. John McNeill, SJ**—Investigations on McNeill for his views on homosexuality began.

### **1968**

**Fr. Edward Schillebeeckx, OP**—Dared to question Mary's virginity. Karl Rahner and the Dutch church successfully defended him.

### **1967**

**Abp. Clarence G Isenmann**—Details of investigation unavailable/unclear.



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