

“An Exercise of the Hierarchical Magisterium”

Richard R. Gaillardetz, Ph.D.

In Pope John Paul II's recent apostolic letter on the male priesthood he reiterated church teaching on the exclusion of women from the ministerial priesthood. This letter was no doubt intended as a formal Catholic response to the Anglican communion's admission of women to the priesthood and is apparently a continuation of a papal/Vatican program intent on restoring the clear lines of orthodoxy which Vatican leadership feels have been smudged in the years since Vatican II. It is difficult not to read this document in the light of the promulgation of the universal catechism (with an English translation purged of inclusive language), the pope's long and complex encyclical on moral theology, *Veritatis splendor*, and the upcoming encyclical on abortion. Read in this context, the pope's reaffirmation of the church's position on the ordination of women should have come as no surprise. What was something of a surprise, was the manner in which the teaching was proposed. Since ample historical and theological literature has emerged on the question of the ordination of women since the CDF addressed this question almost twenty years ago in *Inter insigniores*, I will not try and add to that corpus. Rather, I wish to examine some of the formal features of this apostolic letter as an exercise of the church's hierarchical magisterium.

The Brevity of the Document

One of the most significant features of the letter is its brevity. After all, the church's position has stood on three different foundational arguments.. The first was biblical and depended on the assertion that in choosing the twelve apostles Christ was expressly instituting the

ministerial priesthood, and expressly limiting to males admission into that priesthood. The second argument was from tradition and asserted an unbroken church tradition limiting ordination to males. The third was ontological/sacramental and argued from an understanding of human embodiment that only males could sacramentally represent Christ at the altar, *in persona Christi*. Now much of the recent scholarship, particularly since, *Inter insigniores*, has examined each of these arguments in considerable detail. One might have expected, given the high authority which the apostolic letter gives to this teaching, a developed exposition of these arguments and refutation of the opposing views. This pope has certainly shown himself to be willing and able to pen such a document. Instead, with the exception of some traditional biblical proof-texting and allusions to the church's unbroken tradition, this letter makes virtually no attempt to develop the church's arguments in justification of its position. The letter relies not on the material authority of the arguments adduced in support of the church's position, but rather on the formal authority of papal teaching. As such, the letter represents something of a reversal of the challenge of Pope John XXIII at the opening of Vatican II to rely less on formal authority and more on material authority. Noting that the church has always vigorously opposed error, nevertheless the pope adds, "Frequently she has condemned them with the greatest severity. Nowadays, however, the Spouse of Christ prefers to make use of the medicine of mercy rather than that of severity. She considers that she meets the needs of the present day by demonstrating the validity of her teaching rather than by condemnations." Pope Paul VI certainly honored this in his carefully written encyclical on birth regulation and our present pope has frequently shown a willingness to demonstrate the position of the church, often with impressive erudition. The marked reliance on the formal teaching authority of the magisterium reflected in this document is, therefore, somewhat disconcerting.

The Doctrinal Formulation of the Church's Position on the Ordination of Women

In the apostolic letter the pope attempts to clarify the authoritative status of the church's position on this matter. There is of course, no question of this letter being an exercise of the extraordinary magisterium of the pope; it is not an *ex cathedra* judgment. How then do we assess its authoritative status? Vatican II's *Lumen gentium* # 25 says that the authoritative status of a papal teaching, and the response demanded of the faithful, are to be determined by the "manifest mind and will" of the pope as reflected in a) the nature of the document in which a teaching is proposed, b) the frequent repetition of the doctrine and c) the manner in which the teaching is actually formulated. First regarding the nature of the document, the pope has chosen neither an apostolic constitution nor an encyclical, two of the more authoritative media at his disposal, and chosen instead to reaffirm this teaching in an apostolic letter. This might argue against attributing a highly authoritative character to this teaching. However, with respect to the second criterion, the pope insists that he is merely reaffirming that which has been constantly held by tradition. *Prima facie* this can hardly be denied, yet we should be careful to distinguish between the consistent prescriptive character of the church's teaching, its condemnation of the ordination of women, and its descriptive character, namely the formulation of the question itself and the arguments which have been proposed in defense of this position. Consequently, the unanimity of tradition on this second point might be harder to demonstrate than one might otherwise think. How does one assess the stance of tradition on this matter when it is only in the last century that the role of women in church and society has received sustained attention? The third element in the determination of a teaching's authoritative status, the precise manner of its formulation, requires more extensive consideration.

Perhaps the most significant aspect of the apostolic letter's presentation of the church's teaching is its adoption of a technical phrase from *Lumen gentium* # 25. There Vatican II noted that while individually bishops do not teach infallibly, as a college they can proclaim the teaching of Christ infallibly while they are dispersed throughout the world, "provided that while maintaining the bond of communion among themselves and with Peter's successor, and while teaching authoritatively on matters of faith and morals, they are in agreement that a particular teaching is *to be held definitively*." Since the mid-nineteenth century this has come to be known as the ordinary universal magisterium. In my own research on the history of this category of magisterial teaching, I have concluded that its fundamental purpose is to acknowledge that there are some teachings central to the faith which have never been solemnly defined by the extraordinary magisterium because they were never seriously questioned. Francis Sullivan has suggested as examples the belief in the bodily resurrection of Jesus and some of the other articles in the baptismal creed (*Magisterium*, 56-7). These are clearly teachings which have been taught infallibly by the bishops, not by solemn judgment in a council, but while they have been dispersed throughout the world. Furthermore, one can safely assume that they are all in agreement on these central teachings and would insist that they are to be held by the faithful as definitive.

In the apostolic letter the pope writes that the church's position on the ordination of women is "to be held definitively held by all the church's faithful." This phrasing echoes that of *Lumen gentium* # 25 on the ordinary universal magisterium, making it unclear whether in using this phrasing he sees this letter as a papal exercise of this ordinary universal magisterium. While he does not say so in the letter itself, Vatican officials were less reluctant. One official explicitly noted: "The genre of the document itself is not *ex cathedra*, but the doctrine is infallible teaching, as taught by all the bishops, and the pope here is giving his voice to it." Admittedly,

before the Second Vatican Council there were noted theologians who held for the possibility of a papal exercise of the ordinary universal magisterium, and even the eminent Jesuit theologian Karl Rahner did not absolutely exclude it, but the possibility of a papal exercise of the ordinary universal magisterium has no confirmation that I know of in an ecclesiastical document. In fact in records of conciliar debates at Vatican I in which the teaching on the ordinary universal magisterium was being formulated suggest that the word *universal* was added to the term *magisterium ordinarium* precisely to distinguish the infallible exercise of the ordinary magisterium from ordinary papal teaching (Gaillardetz, *Witnesses to the Faith*, 28-32).

Even if one admits the possibility of a papal exercise of the ordinary universal magisterium, I have contended elsewhere that one cannot resort to the infallibility of the ordinary universal magisterium in order to resolve disputed theological questions (*Witnesses to the Faith*, 165-72). It is notoriously difficult to verify whether the conditions for its exercise set forth in *Lumen gentium* have in fact been met. It clearly requires, at the minimum, a significant episcopal consensus on the matter. Recent public dissent by members of the episcopate on the question of the ordination of women immediately calls that unanimity into question.

This attempt to “ratchet up” the authority of the church’s position on this question reflects a view of teaching authority which Yves Congar long ago criticized for an excessive dependence on infallibility, as if anything not taught with the charism of infallibility was tainted by doubt or error. When the church teaches authoritatively but without recourse to the charism of infallibility it is often because it recognizes that a teaching has not sufficiently “ripened” to be able to discern whether in fact that teaching is revealed. One can only wonder whether with this apostolic letter the Holy Father is trying to accelerate the “ripening” process by prematurely closing debate. And that brings us to a final observation.

The End to Free Debate

A disturbing feature of the apostolic letter is its call for the close of free debate on the question of the ordination of women. One will recall that Pope Pius XII had dictated in his 1950 encyclical, *Humani generis*, that when the pope pronounces on a matter, even in his ordinary magisterium, the matter is no longer open to free debate. It is significant that while this passage was included in the preparatory schema on the church presented to the bishops at Vatican II, it was not included in the final text. Many commentators saw in this omission the recognition of the bishops that respectful theological discussion, even regarding authoritative teaching of the church, can serve the church by bringing about further insight, offering further clarification, and on occasion, calling for a reassessment of positions which have not been taught as irreformable dogma. The 1990 CDF "Instruction on the Ecclesial Vocation of the Theologian" appeared to seriously limit the possibilities for this kind of responsible debate on matters taught as authoritative doctrine. It is difficult not to see this latest apostolic letter as furthering the trajectory of that instruction and returning to the position of Pius XII.

Conclusion

The apostolic letter stresses the consistency of Roman Catholic tradition on this question. It is an important argument which should not be easily dismissed. Those opposed to the church's position on the admission of women to the ministerial priesthood would argue that not everything consistently taught by the church for that reason alone belongs to tradition. The Roman Catholic church as a human community of believers is susceptible to cultural and historical biases which can influence its teaching. If the debate on the ordination of women has emerged in the contemporary church, at least in the first world, that is in part because of important developments in this century in historical and biblical studies, in sacramental theology and in the ancillary fields

of anthropology and sociology, to say nothing of recent ecumenical developments. These scholarly and ecclesial developments have led some to call for a reassessment of the church's position. One can only wonder whether in this relatively new situation, this teaching could have sufficiently ripened to justify closing off all debate. One also has to wonder about the wisdom of relying so little on biblical, historical and theological argumentation and so much on formal authority. As Pope John XXIII so perceptibly observed, the church cannot fulfill its mission if it relies merely on condemnation and authoritative declarations without bothering to persuade. Like it or not, many of the faithful are not yet persuaded.