

Elements of Democracy in the Church: Vatican II and Afterwards¹

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1 Introduction

The ultramontane substantial success at Vatican I in defining papal supremacy and infallibility made it look like that no further general council would ever be needed in the Catholic Church.² Many were convinced that papal monarchy was there to stay. However, less than three months after his election, Pope John XXIII (1958–63) announced his intent to summon another general council, the second one to meet at the Vatican.³ Was this move to affect in any way the lot of democracy in the Church?

In an earlier article,⁴ I sought to highlight various democratic elements present in the early Church by analysing biblical, patristic and historical data. Here I will attempt to underscore the presence of democratic elements in the documents of Vatican II and then consider the present situation in the Church in terms of the spirit of the Council in this regard.

1. This is the third in a series of articles on the Catholic Church and democracy. Bible quotations are from the *New Jerusalem Bible*. Unless otherwise stated, quotations from official Church documents are taken from the English translation available at the official Vatican website (www.vatican.va).
2. See MICHAEL J. WALSH, *Councils in Christian History*, in *Modern Catholicism. Vatican II and after*, edited by Adrian Hastings, London – New York 1991, 18–19.
3. Angelo Roncalli became Pope John XXIII on 28 October 1958; he showed his intention to convene a general council on 25 January 1959. It must be noted, however, that in 1948–49, under Pius XII, there had already been an attempt to organise a general council, with the objective of reasserting Catholic unity and the Church's authority in matters of faith. The idea was, however, eventually dropped, possibly because in the process of consultation with the bishops, the pope and his advisors realised that a council would not be as easy to manage and restrain as they had imagined. See MICHAEL J. WALSH, *Pius XII*, in *Modern Catholicism*, 25–26.
4. ff. *Democratic elements in the early Church*. *Melita Theologica* 55(2004) 27–48.

2 *Reform in the liturgy*

The very first Vatican II document to be promulgated, *Sacrosanctum concilium*, already hinted that this council was going to restore some of the earlier more democratic qualities of the Church. The constitution on the liturgy shows the Church's desire that "all the faithful should be led to that fully conscious, and active participation in liturgical celebrations which is ... their right and duty by reason of their baptism."⁵ The encouragement of the use of the vernacular languages in the liturgy,⁶ the restoration of communion under both kinds for all,⁷ and the suggested reform of the other sacraments and sacramentals,⁸ were all signs of an ecclesiological shift towards a less clerical and more egalitarian Church.⁹

Likewise, the promotion of the Eucharistic concelebration by bishops and presbyters¹⁰ was a foretaste of what Vatican II was later to teach on collegial leadership in the Church. Besides, with regard to the latter concept, *Sacrosanctum concilium* inconspicuously assigned, for the first time ever, canonical authority to episcopal conferences, which had hitherto no legislative power. This was done when the document declared that "the regulation of the liturgy within certain defined limits belongs also to various kinds of competent territorial bodies of bishops legitimately established."¹¹

3 *Dei verbum and Dignitatis humanae*

The dogmatic constitution on divine revelation, *Dei verbum*, also manifested the ecclesiological shift referred to above when it insisted on easy access to Sacred Scripture for all the Christian faithful.¹² Here, like in *Sacrosanctum concilium*,

5. VATICAN COUNCIL II, Constitution *Sacrosanctum concilium* (4 December 1963) 14.

6. See *ibid.*, 36.

7. See *ibid.*, 55.

8. See *ibid.*, 59–82.

9. See AIDAN KAVANAGH, *Liturgy (Sacrosanctum concilium)*, in *Modern Catholicism*, 71–72.

10. See VATICAN COUNCIL II, *Sacrosanctum concilium*, 57.

11. *Ibid.*, 22. Joseph Ratzinger saw this as fundamental in the renewal of ecclesiology. See JOSEPH RATZINGER, *Theological highlights of Vatican II*, New York 1966, 16–17. Ratzinger would later lose much of the enthusiasm he once had for episcopal conferences. See 5.1 An episcopacy at the service of the Roman curia?, *infra*.

12. See VATICAN COUNCIL II, Dogmatic Constitution *Dei verbum* (18 November 1965) 22.

centuries-old fears and prejudices were finally overcome and the Catholic Church came to accept some of Luther's main pastoral tenets that had led many reformed churches to develop along much more democratic lines than Catholicism.

In the declaration on religious freedom, *Dignitatis humanae*, Vatican II spoke against coercion in religious matters.¹³ While there is no doubt that the council fathers were addressing the issue of religious freedom in society at large, repercussions on religious liberty within the Church itself were inevitable.¹⁴ Moreover, apart from the implications of the ideas enshrined in the declaration, the council itself set the example by giving great liberty to bishops and their theologians who worked together in a spirit of collegial brotherhood. During and immediately after the council, this spirit, albeit with variable degrees of success, diffused throughout the Catholic Church.

4 *Lumen gentium*

Nevertheless, as it might be expected, the document that best portrays the inclination of Vatican II toward what can be called a more democratised Church is the dogmatic constitution on the Church, *Lumen gentium*. This document highlighted what are considered as key components of the ecclesiology of communion, namely the vision of the Church as the people of God, the notion of episcopal collegiality, and the recovered significance of the local church.

4.1 *The Church as the people of God*

After the council fathers, at the end of the first session of Vatican II, turned down the first draft of what was to become *Lumen gentium* because of, among other things, its juridical, triumphalistic, non-biblical tone, the second draft presented at the second session contained four chapters.¹⁵ The first was on the mystery of the Church, the second on her hierarchical constitution and the episcopate in particular,

13. See VATICAN COUNCIL II, *Dignitatis humanae*, 3.

14. See JAMES TUNSTEAD BURTCHAELL, *Religious freedom (Dignitatis humanae)*, in *Modern Catholicism*, 120–124.

15. See RICHARD P. MCBRIEN, *The Church (Lumen gentium)*, in *Modern Catholicism*, 84–85.

the third on the people of God and the laity in particular, while the last was about the call to holiness in the Church.¹⁶ Very significant to the subject of this study was the decision to divide the chapter on the people of God and the laity, moving the material on the people of God to a position immediately after the first chapter on the mystery of the Church and, therefore, before the chapter on the hierarchy. The council fathers wanted to show that “the Church is primarily a people in whom God is present and through whom God acts ... [and] not primarily a hierarchical institution.”¹⁷ They wanted to give priority to the biblical vision of the Church as a people in which all share “a common dignity as members from their regeneration in Christ, having the same filial grace and the same vocation to perfection.”¹⁸ The council highlighted the participation of all the faithful in the priestly, prophetic, and royal mission of Christ.¹⁹ It also affirmed the relationship between the infallibility of the Church and the *sensus fidei* (the sense of faith) of the people of God as a whole.²⁰ This vision places Church leaders not above or outside the rest of the community; ministers are members of the people of God and are there to serve their brothers and sisters.²¹

4.2 Collegiality in the Church

In the third chapter of *Lumen gentium* we find the elaboration of a theology of episcopal collegiality. Since bishops are held to be the successors of the apostles, and since the apostles were “formed after the manner of a college or a stable group,”²² bishops in today’s Church, too, “share in ‘collegiality,’ a responsibility

16. Eventually, the document would contain eight chapters.

17. See MCBRIEN, 89.

18. VATICAN COUNCIL II, Dogmatic Constitution *Lumen gentium* (21 November 1964) 32.

19. See GEORGES DEJAIFVE, *L'ecclésiologie del concilio Vaticano II*, in *L'ecclésiologie dal Vaticano I al Vaticano II*, Brescia 1973, 91.

20. See VATICAN COUNCIL II, *Lumen gentium*, 12. In 1970, Joseph Ratzinger saw the doctrine of the *sensus fidei* as one of the main points in the constitution of the Church that open her up to possibilities of democratisation. See JOSEPH RATZINGER, *Democratizzazione della chiesa?* in JOSEPH RATZINGER – HANS MAIER, *Democrazia nella chiesa. Possibilità, limiti, pericoli* (= *Punti scottanti di teologia* 23), Roma 1971, 42. 53–56.

21. See SCHILLEBECKX, *Church. The human story of God*, 207.

22. VATICAN COUNCIL II, *Lumen gentium*, 19. In this context, *Lumen gentium* refers to the Twelve and, as Joseph Ratzinger explains, builds on the point that Christ’s choice of twelve men had a precise eschatological meaning in a way that “none of the Twelve had significance by himself, but only when united with the eleven others, because only with them was he part of the intended symbolic gesture.” RATZINGER, *Theological highlights*, 49–50.

for fostering communion among churches throughout the wide world. Hence the ministry of the bishop, although focused primarily on the local diocese, is not restricted exclusively to his own particular church.²³ The council even stated that the college of bishops is, no less than the pope on his own, “the subject of supreme and full power over the universal Church, provided we understand this body together with its head the Roman pontiff and never without this head.”²⁴

The relative novelty of this concept, and therefore its importance,²⁵ was confirmed by the intransigent opposition to it on the part of some high-ranking council fathers. Twenty cardinals and ten religious major superiors even made personal pressure on Pope Paul VI (1963–78) to reject this doctrine. They sent him a private note describing collegiality as “novel, unfounded, unscriptural, [and] ‘not even solidly probable’.”²⁶ In actual fact, while definitely not unscriptural or unfounded,²⁷ collegiality was indeed “far removed from a theology of papal monarchy such as had long dominated Roman ecclesiology.”²⁸ At the end, collegiality did become one of the salient characteristics of *Lumen gentium*, but, at the expense of creating some ambivalence; various statements in the document and especially in the accompanying *nota praevia*, still defended papal supremacy, basically reiterating the strongly worded teachings of Vatican I.

The concept of collegiality found some practical application in the decree on the pastoral office of bishops, *Christus dominus*. Apart from its obvious exercise in a general council and the possibility of collegiate action of the unassembled bishops (already mentioned in *Lumen gentium*), there is mention of the synod of bishops (an advisory body to the pope just announced by Paul VI in response to various requests made by the council fathers). Besides, episcopal conferences are deemed “supremely fitting.”²⁹

23. MICHAEL FAHEY, *Diocesan governance in modern Catholic theology and in the 1983 Code of Canon Law*, in *The ministry of governance*, edited by James K. Mallett (= *With oars and sails* 1), Washington/DC 1987, 130.

24. VATICAN COUNCIL II, *Lumen gentium*, 22.

25. “Common sense requires one to recognise that the most significant things [in Vatican II] were what was being said for the first time, at least in that form, in modern Catholic history and with such authority.” ADRIAN HASTINGS, *The key texts*, in *Modern Catholicism*, 57.

26. PETER HEBBLETHWAITE, *Paul VI*, in *Modern Catholicism*, 53.

27. My historical survey of authority in the Church in the second article in this series has already shown that authority in the early Church was indeed exercised very collegially. See my study *Democratic elements in the early Church*.

28. ADRIAN HASTINGS, *Catholic history from Vatican I to John Paul II*, in *Modern Catholicism*, 5.

29. See VATICAN COUNCIL II, Decree *Christus dominus* (28 October 1965) 4–5. 37–38.

4.3 *Rediscovering the local church*

Notwithstanding the sound basis for a theology of the local church in the New Testament and in the Fathers of the Church,³⁰ the notion of the local church found no place in the Counter Reformation ecclesiology of Robert Bellarmine. “While never explicitly denied, the idea of the local church gave way to a rather one-sided emphasis on the universal character of the Church as a worldwide institution and on the role of the papacy.”³¹

Basic to the recuperation of the theology of the local church in Vatican II was its reassessment of the local bishop as the one who possesses his sacramental power and his right to governance in a “proper, ordinary and immediate” way, on account of his episcopal consecration; local bishops exercise their authority personally “in Christ’s name” and they are not to be regarded as vicars of the pope.³² Therefore, “in the administration of his diocese the bishop retains a certain autonomy from national episcopal conferences, from the Roman congregations, and even from the pope himself.”³³

Lumen gentium declared that the universal Church comes into being in and from the particular churches.³⁴ In this it followed and built upon Sacrosanctum concilium, which had stated that “the pre-eminent manifestation of the Church consists in the full active participation of all God’s holy people in these liturgical celebrations, especially in the same eucharist, in a single prayer, at one altar, at which there presides the bishop.”³⁵ In effect, according to Vatican II, it is above all in the eucharistic assembly (even when it is not the bishop in person who is presiding but a presbyter who by his ordination shares in the priesthood of the bishop)³⁶ that the one Church of Christ is perfectly manifested.³⁷ Nevertheless, this Church exists

30. See MICHAEL J. SHERIDAN, *The Theology of the local Church in Vatican II. Dissertatio ad lauream in facultate s. theologiae apud pontificiam universitatem s. Thomae de urbe*, Roma 1980, 9–67.

31. *Ibid.*, 68.

32. VATICAN COUNCIL II, *Lumen gentium*, 27.

33. FAHEY, 130.

34. VATICAN COUNCIL II, *Lumen gentium*, 23. Note that Vatican II uses the terms “local church” and “particular church” without distinguishing clearly between the two, even though there is a certain preference for the latter term because the former connotes territorial delimitations, which are not the primary bases of ecclesiality. Cf. SHERIDAN, 86

35. VATICAN COUNCIL II, *Sacrosanctum concilium*, 41.

36. See VATICAN COUNCIL II, *Lumen gentium*, 10.

37. See SHERIDAN, 98–103.

not only in the diocese led by the bishop, or in the eucharistic assembly presided by him or a presbyter; even the parish in itself can be called a local church.³⁸

While emphasising collegiality among the bishops and hence communion among the different local churches, Vatican II, in teaching that a local church fully manifests the Church of Christ in a particular time and place, recognised the real autonomy (though not independence) of the local church.³⁹ This is highly significant in the context of this study since it counters the over-emphasis on the monarchical structure of the Church centred on the pope and Rome. It opens up the way towards an ecclesial plurality or pluriformity where unity does not necessarily imply uniformity and where ecclesial subsidiarity can replace centralisation. Undeniably, it must be acknowledged that Vatican II was mainly concerned in this regard to develop its theology of the episcopacy; however, much of what it developed at this level can be analogically applied to other levels of the Church understood as the communion of all the baptised.⁴⁰

5 *The problem of restorationism in the Church*

Some time after Vatican II, it appeared to a number of Church leaders that the sense of identity so characteristic of Catholicism before the council was being lost. Various analysts think that the resulting fear for the future of the Church led to a certain restorationism in the Church, especially during the papacy of John Paul II.⁴¹ It has been remarked that under this pope there was an emphasis on the centralisation of authority, an insistence on uniformity and discipline, and a

38. See VATICAN COUNCIL II, *Sacrosanctum concilium*, 42; ID., *Lumen gentium*, 26. 28. See also SHERIDAN, 103–109. Michael Sheridan even shows that Vatican II attributes ecclesial status, albeit using very restrained wording, even to other groups of the faithful that are not properly eucharistic and episcopal, like the family and religious communities. See *ibid.*, 109–127.

39. See *ibid.*, 137.

40. This was done, for example, by Joseph Ratzinger when he presented the Church's collegial structure as not only limited to the episcopal college in unity with the pope but also applicable to the presbyteral college in unity with its bishop and to the faithful in unity with their presbyter. See RATZINGER, *Democratizzazione della chiesa?* 51.

41. The renowned late moral theologian Bernard Häring, for example, called John Paul II's pontificate "an antithesis — though not a complete one —" to the synthesis achieved by Vatican II. BERNARD HÄRING, *My hope for the Church. Critical encouragement for the twenty-first century*, Liguori/MO 1999, 92.

consistent clamping down on internal dissent.⁴² Restorationist elements have been detected in ventures like the publication of the *Catechism of the Catholic Church*,⁴³ as well as in the Roman curia's frequent interventions to 'clarify' doctrine and delimit theological investigation.⁴⁴ Critics of the Church's restorationist trend have included prominent churchmen like Walter Kasper, now cardinal and president of the Council for promoting Christian unity, and the now late Franz Cardinal König, former Archbishop of Vienna and a main protagonist in Vatican II. Kasper has written against what he perceived as an attempt in the Church "to restore the centralism which the majority at the second Vatican council clearly wanted to

42. See, for example, OWEN O'SULLIVAN, *The silent schism. Renewal of Catholic spirit and structures*, Dublin 1997, 29–30. All these points will be developed in the following two sub-sections.
43. The *Catechism of the Catholic Church* was prepared after the request of the 1985 extraordinary synod for the composition of "a catechism or compendium of all Catholic doctrine regarding both faith and morals." While one should note that the request for a catechism was made by many of the bishops present, one should also keep in mind that they wanted it to serve as "a point of reference for the catechisms or compendiums that are prepared in the various regions." SECOND EXTRAORDINARY SYNOD OF BISHOPS, Final Report *The Church, in the Word of God, celebrates the mysteries of Christ for the salvation of the world* (7 December 1985), II B a, 4; *St Michael cyberspace scriptorium* (on-line) : http://library.saint-mike.org/Synod_Bishops/Final_Report1985.html [14 April 2004]. However, as all know, the work was eventually marketed as the ultimate A to Z reference of Catholic teaching with practically no significant effort being made towards its much needed application to different social and cultural situations. At the end, the whole thing was too much reminiscent of the post-Tridentine Church's emphasis on uniformity and centralisation. Häring has questioned the aptness of the *Catechism's* (as well as *Veritatis splendor's*) aim "to provide an exhaustive rundown of all religious doctrines and moral norms." See HÄRING, *My hope for the Church*, 70–74.
44. A clear example of the latter is the declaration *Dominus Iesus*, which, especially in its sections dealing with the Church, clearly demonstrates an attempt to go back to the security and rigidity of pre-Vatican II theological categories. See CONGREGATION FOR THE DOCTRINE OF THE FAITH (hereafter, CDF), Declaration *Dominus Iesus*, (6 August 2000). In this document one can sense a strong preoccupation to affirm the unicity of the Catholic Church even if this is done at the expense of a broader ecumenical understanding of the Church of Christ, especially *vis-a-vis* the Protestant and Anglican communities, which the document calls (without naming them directly) "not churches in the proper sense". See *ibid.*, 16–17; FRANCIS A. SULLIVAN, *The Impact of Dominus Iesus on Ecumenism*, in *America* (28 October 2000) 8–11; PETER CHIRICO, *Dominus Iesus as an event*, in *America* (26 March 2001) 26–27. Countering the criticism levelled against the tonality of *Dominus Iesus*, the CDF continued to insist that "it would certainly be erroneous to maintain that the indicative/declaratory tone of the Declaration *Dominus Iesus* ... marks a step backwards in contrast to the literary genre and the explanatory and pastoral character of the magisterial documents from the Second Vatican Council and after." CDF, *Commentary On the notification of the CDF regarding the book 'Toward a Christian theology of religious pluralism' by Father Jacques Dupuis SJ* (12 March 2001) 6.

overcome.”⁴⁵ König was known to insist that “a gradual decentralisation in the Church is needed.”⁴⁶

5.1 *An episcopacy at the service of the Roman curia?*

While Vatican II did a lot to bring back some balance between the universal aspect of the Church on the one hand and the local churches on the other,⁴⁷ today Rome is often perceived as not respecting enough the rights of local churches. Walter Kasper has been uncompromising in his criticism and stated that “The right balance between the universal church and the particular churches has been destroyed.”⁴⁸ David J. Stagaman complains that “Roman interventions seem to usurp the responsibilities of local bishops. Rome appears to be intent on imposing Roman theology and custom everywhere in the Church and to equate communion with the head with abject submission to Roman demands.”⁴⁹

On the doctrinal plane, there appears to be a parallel effort to re-establish throughout Catholicism the priority (not only ontological but also historical) of the universal Church over and above the particular churches.⁵⁰ An ecclesiology

45. WALTER KASPER, quoted in ROBERT LEICHT, *Cardinals in conflict*, in *The Tablet* (28 April 2001) 607. Also, Kasper did not see eye to eye with the restrictive ecumenical implications of *Dominus Iesus*. Optimistically, the choice of Kasper and fellow German Karl Lehmann for the cardinalate could be interpreted as an attempt by Pope John Paul II to curb the rising restorationism promoted by some of the most influential Vatican officials. See *ibid.*, 607–608. For more of Kasper’s views about in the Church, see WALTER KASPER, *On the Church*, in *America* (23–30 April 2001) 8–14.

46. FRANZ KONIG, *My vision for the Church of the future*, in *The Tablet* (27 March 1999), 424.

47. The exact relevant words of *Lumen gentium* are that “particular churches [are] fashioned after the model of the universal Church, in and from which churches comes into being the one and only Catholic Church.” VATICAN COUNCIL II, *Lumen gentium*, 23.

48. KASPER, *On the Church*, 10.

49. DAVID J. STAGAMAN, *Authority in the Church*, Collegeville/MN 1999, 129–130.

50. See CDF, Letter *Communioneis notio* (28 May 1992) 9; POPE JOHN PAUL II, *Motu proprio Apostolos suos* (21 May 1998) 12. The CDF letter states that ontologically the Church is “one and unique, precedes creation, and gives birth to the particular churches as her daughters. She expresses herself in them, she is the mother and not the product of the particular churches.” The argument for historical priority is then built upon the description of the Church on the day of Pentecost. *Apostolos suos* quotes the theological premise deduced by the CDF that the universal Church “is a reality ontologically and temporally prior to every individual particular church.” Criticising an earlier presentation of this argument by Cardinal Ratzinger, Joseph Komonchak, notes that “his argument seems scarcely novel, that the universal Church, already realised in the plurality of languages, was also a local church. It was the at once local and universal Church of Jerusalem that was the mother of all

based on the primacy of the universal Church, in fact, easily lends itself to a defence of her centralising structures.⁵¹ Léon-Joseph Cardinal Suenens, in his famous 1969 interview on the state of the Church, had already perceived the links between this kind of ecclesiology and the centralising tendencies in the Church “closer in spirit to Vatican I than to the year 2000.”⁵²

Indeed, while the Church preaches the principle of subsidiarity in her social teaching, too often the principle remains disregarded within the Church herself. The Catholic Church is marked by an excessive centralisation, which, as Thomas J. Reese remarks, has led many to complain that she has become, organisation-wise, not very different from a multinational corporation “with local bishops behaving like branch managers ... where directives from the top are expected to be obeyed without question.”⁵³ The former Archbishop of San Francisco, California, John R. Quinn, holds that there are some elements in the Roman curia who believe that the latter is superior to the local bishops and are convinced that their mission is to keep them under control. Conversely, it is not rare, according to Quinn, that

other churches.” JOSEPH A. KOMONCHAK, *The Roman working paper on episcopal conferences*, in *Episcopal conferences. Historical, canonical and theological studies*, edited by Thomas J. Reese, Washington/bc 1989, 180 note 7. Instead of thinking in terms of priority of the universal or the local ecclesiological reality one should rather contemplate their mutuality. As Angel Antón writes, to assign a priority of time or importance to either Church “leads one up a blind alley.” He holds, rather, that formulated in Vatican II’s ecclesiology (notwithstanding that according to this author the council’s point of departure was indeed the idea of the universal Church) is “the principle of the reciprocal interpenetration and inclusion of the universal Church and the local church,” which makes it “impossible from a strictly theological viewpoint to assign an absolute primacy to the universal Church or the local church.” ANGEL ANTÓN, *Local church/regional church: systematic reflections*, in *The Jurist* 52 (1992) 572. 569, quoted in PATRICK GRANFIELD, *The priority debate: universal or local church? in Ecclesia tertii millennii advenientis. Omaggio al P. Angel Antón*, edited by F. Chica – S. Panizzolo – H. Wagner, Casale Monferrato 1997, 160–161.

51. Avery Dulles, for example, employs this ecclesiology when extolling the present strong central structures of the Roman Catholic Church. See AVERY DULLES, *The papacy for a global Church*, in *America* (15–22 July 2000) 8. See also Ladislav Örsy’s criticism to Dulles’ article, LADISLAV ÖRSY, *The papacy for an ecumenical age. A response to Avery Dulles*, in *America* (21 October 2000) 11.
52. LÉON-JOSEPH SUENENS, *The Suenens interview*, in *The Suenens dossier. The case for collegiality*, edited by José de Broucker, Dublin – London 1970, 9.
53. See THOMAS J. REESE, *Inside the Vatican. The politics and organisation of the Catholic Church*, Cambridge/MA – London 1996, 2.

bishops perceive the curia as an obstacle between them and the pope.⁵⁴ While the bold attempt made by Pope Paul VI in the apostolic constitution *Regimini Ecclesiae universae* (1967) to reform the Roman curia must be appreciated, it must also be noted that the hope that the internationalisation of this structure would eventually lead to its decentralisation proved more or less futile. The non-Italian members of the curia are not chosen with the essential collaboration of the local churches, they quickly lose any real contact with their countries of origin, and soon become more Roman than the Romans.⁵⁵ All in all, the present state of affairs has led many to share the view that “probably never before in the history of the Church had such a centralised apparatus of power developed as it has under the long pontificate of John Paul II.”⁵⁶

One of the main signs denoting the greater effort made by the Roman curia to centralise authority is the way bishops have been appointed in recent years. The consultation process that is supposed to take place leaves much to be desired.⁵⁷ Besides this, there is the matter of the appointees. “For a long time the Vatican has shown a preference for academics over pastors.”⁵⁸ How can a man with no pastoral experience be a shepherd to a whole diocese? Moreover, as it is quite conspicuous, the Vatican favours staunch conservatives over creative and courageous candidates

54. JOHN R. QUINN, *Riformare il papato per riunire i cristiani*, interview by Gerard O’Connell – Giovanni Ferrò, in *Jesus* (January 2000) 17. This despite Pope John Paul II’s statement in *Pastor bonus* that “the Roman curia [is] far from being a barrier or screen blocking personal communications and dealings between bishops and the Roman Pontiff, or restricting them with conditions, but, on the contrary, it is itself the facilitator for communion and the sharing of concerns, and must be ever more so,” POPE JOHN PAUL II, Apostolic Constitution *Pastor bonus* (28 June 1988) 8.

55. KARL RAHNER, *Theological investigations*, xx, *Concern for the Church*, London 1981, 120. See also WALBERT BÜHLMANN, *The Church of the future. A model for the year 2001*, Maryknoll/NY – Melbourne – Slough 1986, 167; ÖRSY, *The papacy for an ecumenical age*, 14. According to Örsy, “diverse citizenships at the curia do not necessarily result in an international outlook. A person from the provinces can bring his own narrow horizons into the centre and impose it on the worldwide church.”

56. HÄRING, *My hope for the Church*, 106.

57. See O’SULLIVAN, 80–83; GERALD A. ARBUCKLE, *Refounding the Church. Dissent for leadership*, London 1993, 16; QUINN, 14. Quinn, former Archbishop of San Francisco, California, has said that the appointment of bishops “spesso avviene consultando solo in minima parte o non consultando affatto la Chiesa locale.” See also KÖNIG, *My vision*, 424. Cardinal König observed that at times not even the bishops’ conference concerned is adequately consulted, if at all.

58. O’SULLIVAN, 83.

for the post of bishop.⁵⁹ This often creates unnecessary tensions and frequently ends up alienating many faithful from the Church.⁶⁰ The present mode of episcopal selection is, at least in some cases, hampering the notion of the local bishop as the symbol embodying the unity of the local church.

Claims have been made that the authority of the synod of bishops and of episcopal conferences has been undermined.⁶¹ During the Vatican II some members, most notable among whom were Bernard Cardinal Alfrink of Utrecht and the Melchite patriarch Maximos IV Saigh of Antioch, had suggested a legislative body of bishops to assist the pope in governing the Church. Patriarch Maximos even proposed that all the Roman congregations should be subordinate to this body.⁶² Pope Paul VI was genuinely in favour of collegiality but was also very sensitive to the resistance coming from conservatives, including many Roman curialists. Characteristically, he came out with a compromise solution. Through the *motu proprio Apostolica sollicitudo* of 1965, Pope Paul established the synod of bishops. Most of the members of the ordinary sessions of the synod were to be elected representatives of the various episcopal conferences,⁶³ but the cardinals in charge of the Roman dicasteries were also included as *ex officio* members. It was made clear that everything ultimately rested on the sovereign will of the supreme pontiff, but while the pope did not envisage the synod to be a decision-making body he did

59. See MICHAEL J. WALSH, *The Conservative Reaction, in Modern Catholicism*, 287. One notorious example was the choice of canon lawyer José Cardoso Sobrinho as successor of Helder Câmara, the world-known archbishop of Olinda and Recife from 1964 to 1985. Much of Câmara's work for the 'Church of the poor' was dismantled. Another infamous example was the appointment in 1986 of Hans Groër as archbishop of Vienna upon the retirement of Cardinal König; on reaching the age of 75, Groër's resignation in 1995 (in accordance to canon 401. 2) was immediately accepted amidst the furor following allegations of his sexual involvement with young men. For further cases of conservative trends in the appointment of bishops, see LOUIS McRUAIB, *Mosaic or Monolith? The Appointment of Bishops, in Authority in the Church*, edited by Seán Mac Rádaoinn, Dublin 1995, 72-81.

60. See O'SULLIVAN, 84. Thomas J. Keese remarks that "by stressing fidelity to the pope over sensitivity to local concerns, the Vatican's choices of bishops have in many cases alienated the local church from Rome rather than fostered unity... The pope is getting bishops who support his policies, but he is not getting bishops capable of winning over their people." ROBERTSON, *Authority in the Church*, 74.

61. See O'SULLIVAN, 84. The *Journal of the History of Ideas* has published a special issue on the topic of the episcopal conference. See *Journal of the History of Ideas*, 57 (1996), 1-10. The issue contains articles by Robert Robertson, 'The Episcopate and the Church: A History of the Episcopal Conference in the West', and by David Polidano, 'The Episcopal Conference in the Specific Context of the Roman Curia'.

leave open the way for this possibility.⁶⁴ Although some bishops felt disappointed by the merely advisory nature of the synod,⁶⁵ this new institution quickly became an important forum where the world episcopate could make its voice heard.⁶⁶

Peter Hebblethwaite, however, claims that the pontificate of John Paul II has seen the synod of bishops becoming less and less the organ of the bishops and more and more simply the organ of the pope.⁶⁷ Thomas J. Reese observes that Pope John Paul has wanted to use the synod as “a showcase for unity” and this “has reduced the synod’s ability to be an uninhibited adviser to the pope.”⁶⁸ In practice, during all the synodal process, bishops tend to show a very deferential attitude to the pope. Some of them act as if the synod is there not to advise the pope but to get his advice; “they will raise issues and questions and then ask the pope to clarify matters in his post-synodal apostolic exhortation.”⁶⁹ Deference is manifested also in the extent to which Pope John Paul is quoted by the speakers.⁷⁰

Another problem is the secrecy that marks the various stages of the synod,⁷¹ especially the final phase. More often than not the participating bishops themselves end up not so sure what the final outcome would be, and many times “all a bishop

64. The *motu proprio* stated that the synod of bishops “may also have deliberative power, when such power is conferred upon it by the sovereign pontiff;” POPE PAUL VI, *Motu proprio Apostolica sollicitudo* (15 September 1965), quoted in HEBBLETHWAITE, *The Synod of Bishops*, 202.

65. In 1969, for example, the Uniate Archbishop Zoghby of Baalbek, Lebanon, asked: “Must we wait until the next council to progress from a consultative Church to a collegial Church?” See GUSTAVE THILS, *Primacy and collegiality*, in *The Suenens dossier*, 147.

66. In the 1971 synod, for instance, the bishops approved two documents, one on justice and the other on the priesthood. The document on justice was allowed to be published by Paul VI, even though he was not happy with some of its sections and in fact did not give it his formal approval, as he did for the other document. See REESE, 58.

67. HEBBLETHWAITE, *The synod of bishops*, 207.

68. REESE, 62.

69. *Ibid.*, 61. Way back in 1969, Cardinal König had already noted that episcopal responsibility depends on the bishops’ own will, initiative, and sense of responsibility. See THILS, 147.

70. REESE, 64. Reese points out that “since the purpose of the synod is to advise the pope, it is quite strange for the bishops to quote the pope to himself since he certainly knows what he is doing.”

71. Even the responses from episcopal conferences to the guidelines issued on the nature of the synod are supposed to be secret. “Critics charge that the responses are kept secret so that Rome can ignore those recommendations that it does not like.” *Ibid.*, 53.

can say, when asked at the airport on his return home what the synod did is: ‘You will have to wait for the document of the Holy Father.’”⁷²

As regards episcopal conferences, the prefect of the Congregation for the doctrine of the faith (CDF), Joseph Cardinal Ratzinger, has manifested and promoted his view, very different from the one held by himself in the sixties,⁷³ that these ever more organised structures tend to restrain or actually smother the role of the local bishop. According to him, “the episcopal conferences have no theological basis, ... [but] only a practical, concrete function.”⁷⁴ Episcopal conferences are considered to have no teaching mission and the documents they produce have “no weight of their own save that of the consent given to them by the individual bishops.”⁷⁵ Ratzinger also secured the inclusion of a paragraph on episcopal conferences in the International theological commission’s document on ecclesiology, which stated that the use of the terms ‘college’, ‘collegiality’, and ‘collegial’ with reference to episcopal conferences is done only in an analogical sense and is theologically improper.⁷⁶

The 1985 extraordinary synod of bishops saw episcopal conferences (as well as the synod of bishops, the Roman curia, and *ad limina* visits) as “a sign and instrument of the collegial spirit” that is pastorally necessary in the present situation.⁷⁷ On the other hand, not immune from Ratzinger’s influence,⁷⁸ it said that they are not a form of “collegial action in the strict sense” and are not directly deducible from the theological principle of collegiality.⁷⁹ The synod did, however,

72. HEBBLETHWAITE, *The synod of bishops*, 208. It may be significant to note that the page indexing material related to the synod of bishops on the Holy See’s website contains only the guidelines and subsequent working papers that precede the various special and ordinary sessions of the synod, but no final reports or lists of concluding propositions made by the bishops themselves during the actual synod meetings.

73. See note 11, *supra*.

74. JOSEPH RATZINGER, *The Ratzinger report. An exclusive interview on the state of the Church*, interview by Vittorio Messori, San Francisco 1985, 59.

75. *Ibid.*, 60.

76. INTERNATIONAL THEOLOGICAL COMMISSION, *Temi scelti di ecclesiologia* (8 October 1985), 5.3: *Il regno-documenti* 31 (1986) 39. See also JOSEPH KOMONCHAK, *Introduction: episcopal conferences under criticism*, in *Episcopal conferences*, 17.

77. SECOND EXTRAORDINARY SYNOD OF BISHOPS, *The Church*, II C, 4–5.

78. See PETER HEBBLETHWAITE, *John Paul II*, in *Modern Catholicism*, 452.

79. SECOND EXTRAORDINARY SYNOD OF BISHOPS, *The Church*, II C, 4. This statement reflects the view that collegiality properly speaking refers only to acts of the whole college of bishops, together with the pope. This perception originates in Roman law and understands the episcopal college as a juridical entity that either exists in its fullness or not at all. Another possible perspective,

call for a deeper study of the episcopal conferences' "theological 'status' and above all the problem of their doctrinal authority."⁸⁰ The ensuing working paper of 1987 by the Congregation for bishops clearly reflected the side of those wanting to limit as much as possible the theological and juridical status of episcopal conferences. "It argues that the conferences cannot properly be considered collegial in character. They are regarded as posing potential threats to the authority of individual bishops and of the pope. They do not, as collective bodies, have any magisterial role."⁸¹ Moreover, all this was presented as if required by the texts of Vatican II and by the 1983 *Code of canon law*, something that Avery Dulles has convincingly argued against.⁸²

The official document on episcopal conferences in response to the 1985 synod's quest is the 1998 *motu proprio Apostolos suos*. It presents conferences as a phenomenon largely distinct from and enjoying less theological weight than their parallels in ancient particular councils or contemporary synods of bishops in the Eastern churches.⁸³ While the true teaching authority of episcopal conferences is recognised as an effective joint exercise of episcopal ministry, the binding effect of the acts of this form of joint ministry is said to be attributable to the Apostolic See's delegation.⁸⁴ Moreover, for doctrinal declarations to be issued as authentic teaching of the conference there must be absolute unanimity; otherwise, the declaration is to be submitted for approval by the Holy See, which is not given unless the majority in favour is substantial.⁸⁵

steadfastly defended by Karl Rahner, sees the college as a specific manifestation of *communio*, which can exist in different degrees. See LADISLAS ÖRSY, *Teaching authority of episcopal conferences*, in *Episcopal conferences*, 245–251. James Provost puts aside the controversy about the concept of collegiality and instead concentrates on the theme of *communio*, describing episcopal conferences as an expression of the communion of churches. See JAMES H. PROVOST, *Episcopal conferences as an expression of the communion of churches*, in *Episcopal conferences*, 267–289.

80. SECOND EXTRAORDINARY SYNOD OF BISHOPS, *The Church*, II C, 8b.

81. KOMONCHAK, *The Roman working paper*, 179.

82. See AVERY DULLES, *Doctrinal authority of episcopal conferences*, in *Episcopal conferences*, 207–218. For another positive assessment of the teaching authority of episcopal conferences and their theological status, see ÖRSY, *Teaching authority of episcopal conferences*, 233–252.

83. JOSEPH A. KOMONCHAK, *On the authority of bishops' conferences*, in *America* (12 September 1998) 8–9.

84. See POPE JOHN PAUL II, *Apostolos suos*, 21. 13.

85. See *Ibid.*, 22. This "demands much more than the normal criterion of moral unanimity traditionally and not unjustly required at an ecumenical council. None of the documents of the Second Vatican Council would have met this standard." See KOMONCHAK, *On the authority of bishops' conferences*, 10.

All in all, given the model of episcopal collaboration sanctioned by Rome, as Ladislav Örsy complains, “the immense energies of the Holy Spirit in the bishops’ assemblies [remain] energies unused.”⁸⁶ Örsy is of the opinion that

It would have made no sense for Vatican II to affirm collegiality, nor for opponents of the doctrine to resist it so fiercely and for so long, if by ‘collegiality’ the council fathers meant mere consultation. Nor would it have made much sense to proclaim collegiality at length if it can be operational at an ecumenical council or through a universal consensus of the bishops only. For centuries no one doubted that in such cases the bishops acted collegially. The action of the council makes sense only if the fathers perceived a need for the practice of effective collegiality in the ordinary, day to day, operations of the church. After vigorous debates, the council proclaimed the doctrine. It left, however, the creation of appropriate norms and structures to the legislator. As yet these do not exist.⁸⁷

Even John Paul II himself seems to harbour some doubts as to the present functioning of episcopal conferences, the synods of bishops, and the Roman curia when in *Novo millennio ineunte* he states that “there is certainly much more to be done, in order to realize all the potential of these instruments of communion.”⁸⁸

While the authority of important, even if partial, organs of episcopal collegiality was being minimised, the power of Vatican congregations, especially that of the CDF,⁸⁹ has been blown up out of proportion. In this vein, Cardinal König had complained that “*de facto* and not *de iure*, intentionally or unintentionally, the curial authorities working in conjunction with the pope have appropriated the tasks of the episcopal college.”⁹⁰

86. ÖRSY, *The papacy for an ecumenical age*, 10.

87. *Ibid.*, 11.

88. POPE JOHN PAUL II, Apostolic Letter *Novo millennio ineunte* (6 January 2001) 44.

89. The 1967 apostolic constitution *Regimini Ecclesiae universae* had declared that all curial departments were juridically equal. The 1988 apostolic constitution *Pastor bonus* reiterates the same declaration, but in actual fact, in article 54, it restores the dominant position of the CDF by submitting to its judgement documents concerning faith and morals to be published by other dicasteries of the Roman curia. See PETER HEBBLETHWAITE, *The curia*, in *Modern Catholicism*, 177–179.

90. See KÖNIG, *My vision*, 424.

Should not the Church recognise better the implications of her own teachings in Vatican II? Shouldn't she, while maintaining and treasuring the pope's role as the locus of unity in the Church, give greater weight than present to the collegial action of bishops, not only on the universal level, but even on the regional and national levels? Shouldn't the members of the local churches be more involved in the appointment of their bishops, so that these will be much more representative of the faith of their local communities, ensuring greater faithfulness both to the Gospel as well as to the culture in which the Gospel message has been inculturated? Would not, in other words, a more democratised Church be more palpably faithful to the spirit of Vatican II than she at present is perceived to be?

5.2 *No place for public dissent in the Church?*

Unfortunately, in the eyes of many men and women, the CDF has become notorious for its treatment of dissenting theologians, who are generally regarded by many of the faithful as honest, truth-seeking persons.⁹¹ In its 1990 Instruction *On the ecclesial vocation of the theologian*, the CDF accepted that theologians might feel personally unable to give intellectual assent to certain positions of the Magisterium, but it insisted that loyalty demands that such disagreements are not made public; only the responsible authority should be addressed.⁹² Otherwise, if such theologians go public, they would be dissenting from Church teaching, something that,

91. One can here cite as an example the case of Asian liberation theologian Tissa Balasuriya who in January 1997 was excommunicated by the CDF, an excommunication that was accompanied by widespread concern especially among Asian Catholics. Balasuriya was eventually received back in the Church a year later, when his earlier attempt to profess his orthodoxy through the *Credo of the people of God* of Paul VI (rather than through the profession of faith forwarded by the CDF) was in the end accepted. See CDF, Notification *Mary and human liberation. Concerning the text by Fr Tissa Balasuriya OMJ* (2 January 1997): *Radio Veritas Asia* (on-line): <http://catholic.org.tw/vntaiwan/pope/mary.htm> [14 April 2001]; *Fr Tissa Balasuriya reconciled with the Church in Eternal World Television Network* (on-line): <http://www.ewtn.com/library/ISSUES/ORTISSA.HTM> [14 April 2004]. In another, earlier, case (1979–86), North American moral theologian Charles E. Curran was finally banned from teaching Catholic theology by the CDF mainly because of his dissenting views in certain areas of sexual morality. Then, too, many of the faithful, and a big number of theologians in particular, while not necessarily sharing Curran's views, thought that the CDF's measures were too harsh and uncalled for. See BERNARD HÄRING, *The Curran case*, in *Dissent in the Church*, edited by Charles E. Curran – Richard A. McCormick (= Readings in Moral Theology 6), New York – Mahwah/NJ 1988, 370–386; RICHARD A. MCCORMICK, *L'affaire Curran*, in *Dissent in the Church*, 408–420.

92. See CDF, Instruction *On the ecclesial vocation of the theologian*, (24 May 1990), 30–31.

according to the CDF, is never justifiable.⁹³ And “to succumb to the temptation of dissent ... is to allow the ‘leaven of infidelity to the Holy Spirit’ to start to work.”⁹⁴

About his experience before the CDF (1977–81), the acclaimed moral theologian Bernard Häring — incidentally one of the most influential theological experts at Vatican II⁹⁵ — wrote:

I was ordered to promise, orally and in writing, to avoid not just every explicit dissent from Vatican teachings, but every appearance of dissent as well. Then I would be allowed to live in the Church in peace and honour. For myself, however, this meant dishonouring the Church through insincerity, and polluting my personal and ecclesial conscience and consciousness. That is what I would be doing were I to sign myself over to conformism with this historically conditioned organisation; and this blind conformance was what they were demanding from me.⁹⁶

Disagreeing with the CDF, many contemporary theologians and Catholic faithful believe that the Church should look positively at dissent within her ranks and accept it as a learning and growth opportunity.⁹⁷ This is not to say that loveless

93. See *ibid.*, 32–41. In this instruction, the CDF lumps together under the term “dissent” the two forms of dissent Avery Dulles calls “public dissent” and “organised dissent”. Dulles’ “internal dissent” (when in one’s own personal life one find oneself unable to accept certain teachings and tacitly follows one’s own conscience) and “private dissent” (when dissenting opinions are expressed only privately to a limited number of persons) are not referred to by the CDF as “dissent” and they are deemed tolerable. See AVERY DULLES, *Authority and conscience*, in *Dissent in the Church*, 109. On my part, in this sub-section, I mainly use the term “dissent” to refer to public dissent, that is, when the dissenting individuals make public their disagreement with official Church practices or teachings. The deliberate mobilisation of the faithful against Church leaders (organised dissent) is, in my opinion, much harder to justify from an ecclesiological point of view and I think that, with regard to organised dissent, many of the CDF’s objections are, at least partially, in order.

94. CDF, *On the ecclesial vocation of the theologian*, 40.

95. About Häring’s role in Vatican II, see BERNARD HÄRING, *Free and faithful. My life in the Catholic Church. An autobiography*, Liguori/MI 1998, 87–106.

96. *Ibid.*, 170–171.

97. See for example McCORMICK, *L’affaire Curran*, 414; O’SULLIVAN, 47; STAGAMAN, 61–63; 122; ARBUCKLE, 110–113; KEVIN KELLY, *The learning Church*, in *Dissent in the Church*, 476. For a diametrically opposite position see, however, DAVID FITCH, *Curran and dissent. The case for the Holy See*, in *Dissent in the Church*, 44; GERMAIN GRISEZ, *How to deal with theological dissent*, in *Dissent in the Church*, 456.

or constantly negative criticism is to be recommended. As Häring stated, “only those who have clear-eyed vision and praise for what is good in the Church can offer healthy criticism about what is and is not in unison with the Gospel and with the signs of the times, correctly understood.”⁹⁸ But to pretend that loyal, loving, and well-meaning dissenters whose dissenting voices are spurned or ignored by Church leaders should just shut up and “suffer for the truth, in silence and prayer”⁹⁹ is, in the words of H ring quoted above, to tell them to dishonour the Church through insincerity and to pollute their personal and ecclesial conscience and consciousness.

Deciding to dissent publicly from the Church’s non-infallible teachings and even from her time-bound policies is no light matter. While authority in the Church belongs to her as a whole, it is enjoyed in a special way by her leaders, who thus have also the arduous task and sacramental charism to ensure that doctrinal orthodoxy is preserved.¹⁰⁰ The teaching emanating from Church leaders, therefore, in the words of Richard A. McCormick, “enjoys the presumption of the truth. This presumption in turn generates a particular response ... that most often translates factually into assent and acceptance.”¹⁰¹ When all attempts at dialogue have been eschewed by Church authorities, public dissent should follow only if after thorough study and prayerful discernment, with due consideration to the possibly negative perception such dissent may generate with regard to the authoritativeness of official Church teaching in general, the dissenters remain utterly convinced in conscience that their position should be defended and promoted for the good of the Church in fidelity to the Gospel.¹⁰² On the other hand, it should be acknowledged that there are instances when such dissent is the duty, and consequently should be the right,

98. HÄRING, *Free and faithful. My life*, 174.

99. CDF, *Instruction On the ecclesial vocation of the theologian*, 31.

100. See LADISLAS ÖRSY, *The Church: learning and teaching. Magisterium, assent, dissent, academic freedom*, Dublin – Leominster 1987, 33–34.

101. See RICHARD A. MCCORMICK, *The search for truth in the Catholic context*, in *Dissent in the Church*, 425.

102. When dealing with situations of conflict between personal conscience and papal decrees, John Henry Newman in 1864 remarked that in order to prevail against the voice of the pope, conscience “must follow upon serious thought, prayer, and all available means of arriving at a right judgment on the matter in question. ... Unless a man is able to say to himself, as in the presence of God, that he must not, and dare not, act upon the papal injunction, he is bound to obey it.” See JOHN HENRY NEWMAN, *A Letter addressed to the Duke of Norfolk on occasion of Mr Gladstone’s recent expostulation*, in *Newman Reader* (on-line) : <http://www.newmanreader.org/works/anglicans/volume2/gladstone/section5.html#top> [14 April 2004]. In their 1968 pastoral letter *Human life in our day*, the U.S. bishops, listed three conditions necessary for public dissent to

of the responsible and loyal dissenter.¹⁰³ As Avery Dulles notes, had theologians like Yves Congar and John Courtney Murray “not publicly manifested their disagreement with certain official teachings, it is far less likely that Vatican II, under their influence, would have adopted new positions on subjects such as ecumenism and religious freedom.”¹⁰⁴

Rather than looking at dissenters as conceited academics in search of fame and recognition,¹⁰⁵ instigating a struggle for power within the Church, ecclesiastical authorities should view dissent as an opportunity for self-examination, especially with regard to their own vision and implementation of authority in the Church. As Stagaman insists, “dissent is required for the appropriate exercise of authority in the Church.”¹⁰⁶ If we look at the New Testament we find an excellent example in Paul of the importance of dissent to the Church. When at Antioch Peter had given up eating with gentile Christians, Paul “opposed him to his face.” He did not hesitate to do this “in front of all of them” and eventually even put the whole issue on record in one of his letters (Ga 2, 11–14). Paul’s dissent served to restore authenticity to Peter’s authority. Dissent in today’s Church is all-important for the same reason. Ultimately, even when Church authorities believe that their intervention is in order, they should stick to the vision of John XXIII that the Church “meets the needs of the modern age by showing the validity of her teachings rather than by condemnations.”¹⁰⁷

However, unfortunately, the attitude of the CDF seems to be typically restorationist, seeking to restore in the Church the idea that the Holy Spirit is

be acceptable: “The expression of theological dissent from the Magisterium is in order only [i] if the reasons are serious and well-founded, [ii] if the manner of the dissent does not question or impugn the teaching authority of the Church, and [iii] if such as not to give scandal,” U.S. BISHOPS, Pastoral Letter *Human life in our day* (15 November 1968): *Eternal World Television Network* (on-line) : <http://www.ewtn.com/library/BISHOPS/USBPSHV.HTM> [14 April 2004].

103. See JON NILSON, *The rights and responsibilities of theologians*, in *Dissent in the Church*, 24–31. Karl Rahner, too, believed that “the theologian, after mature reflection, has the right, and many times the duty, to speak out against a teaching of the Magisterium and support his dissent,” KARL RAHNER, quoted in McCORMICK, *L’affaire Curran*, 416.

104. DULLES, *Authority and conscience*, 109.

105. Germain Grisez suggests that one of the main reasons why dissent spread rapidly in the Church after Vatican II is the involved theologians’ desire for recognition. See GRISEZ, 452.

106. STAGAMAN, 122.

107. These words are from Pope John’s opening address to Vatican II, as quoted in PETER HEBBLETHWAITE, *John XXIII*, in *Modern Catholicism*, 31.

assisting the Church practically only through the Magisterium, and then the Magisterium is primarily understood to be the pope and the Roman curia.¹⁰⁸ The regulations for doctrinal examination, *Ratio agendi*, published in 1997,¹⁰⁹ still remain, by and large, “unfit for our age” and they “undermine the credibility of the church in its mission to uphold the dignity of human persons.”¹¹⁰ Should not the Church be more appreciative of the work of the Holy Spirit in each and every one of the faithful (including, in a particular way, those who dedicate their lives to the study of theology) and consequently give greater respect and consideration to the often-prophetic voices of dissenters? Would not a Church that espoused a more democratic vision be more “naturally” inclined to do so than a centralised, rigidly hierarchical one?

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108. This last point emerges unambiguously, for instance, in the 1994 Vatican condemnation of the position taken in the 1993 pastoral letter on caring for divorced and remarried Catholics by the German bishops Lehmann, Kasper, and Saier. See CDF, Letter *Concerning the reception of Holy Communion by the divorced and remarried members of the faithful*, (14 September 1994).
109. CDF, Regulations for doctrinal examination *Ratio agendi*, (29 June 1997).
110. LADISLAS ÖRSY, *A matter of justice. Was the trial of Jacques Dupuis really necessary?* in *America* (16 April 2001) 20–22. Örsy criticizes the sweeping mandate given to the CDF in the regulations to investigate any opinion it judges erroneous and dangerous, the total secrecy that characterizes the first stages of the process, the fact that the CDF’s office itself assumes the roles of accuser and defender and sits as the judicial body, as well as other “dangerous” structures sanctioned by the regulations.