

## THE INJUSTICE OF NOT ORDAINING WOMEN: A PROBLEM FOR MEDIEVAL THEOLOGIANs

JOHN HILARY MARTIN, O.P.

*Graduate Theological Union, Berkeley*

DISCUSSIONS ABOUT major theological problems have long histories, although they need not, of course, always proceed from the same point of view. Perhaps that is why they can die out for a while, only to be picked up again later as if they were quite new. Discussion about whether women might be ordained is one of those theological issues which had a longer history than most of us were aware of, I suspect, when the possibility was raised so sharply and insistently in the mid-1960s. Since that time there has been a flood of studies on the position of women in the Church, and the need to come to grips with the question of an ordained ministry for women. In pursuit of this goal, recent studies have re-examined the text of Scripture, have skilfully teased out evidence to show the ministerial activity of women in New Testament communities, have sought the traces of an ordained ministry for women during the first centuries of the Church's life, and have looked at ministry in the churches of the Reformation. But in all of this work there has been a notable gap. Very little has been said about the state of the discussion from the end of the patristic period up to the Reformation. With the exception of two short articles in the collection of essays, *Women Priests: A Catholic Commentary on the Vatican Declaration*, and a chapter in a work by Manfred Hauke, I have found nothing which covers this period.<sup>1</sup>

<sup>1</sup> The articles are by Francine Cardman and by George Tavard. Tavard makes the point that the three scholastic doctors (he discusses only Thomas, Bonaventure, and Duns Scotus) "reflect about the fact of non-ordination, which they try to justify with suitable theological arguments." This procedure is, of course, well in line with medieval methods, which more or less unconsciously followed the path trod by Anselm ("I believe so that I may understand"), where the doctrines and practices perceived to be the ones accepted in the Church then became the point of departure for theological speculations. Tavard takes up Thomas' treatment of the question first, before Bonaventure's. While this is legitimate from his point of view, which is to give a synopsis, it does invert the historical order. Since Bonaventure talks in terms of "greater probability," "surer opinion," this may leave the unwary with the impression that later writers were less certain about the matter—which is not the case. In treating Duns Scotus, Tavard notices the injustice argument given there, and that Mary, Christ's "most blest" mother, was not ordained. Cardman is concerned with showing how the Vatican Declaration has failed to do justice to scholastic arguments. These matters need further discussion and will be pursued in the present article. Cf. F. Cardman, "Non-Conclusive Arguments: Therefore, Non-Conclusion?", and G. Tavard, "The Scholas-

This lack of interest can probably be explained easily enough by our common feeling that the medieval world would not have given the matter much thought. It comes as a mild surprise to find that a society which operated under the presupposition, as medieval society certainly did, that the world should be run under masculine direction, if not male domination, had anything at all to say on the subject.

Medieval theologians did in fact discuss the ordination of women beginning in the early decades of the 13th century and continuing on until the Reformation. The question eventually became one of the standard ones included in the academic curriculum. As time went on, it is true, it tended to be handled by authors in a routine and repetitive manner, but the earlier discussions record a serious theological attempt to justify the traditional practice (i.e., nonordination) as witnessed in bits and pieces of canonical legislation. The solutions to the question which I present here come largely from what is found in commentaries on the *Sentences*. It would be interesting to know how much popular feeling lay behind the discussion in the Schools, whether there was active agitation for ordination of women in some quarters. An examination of popular literature and sermon material might prove interesting.

Medieval theologians operated on the assumption that women had never been ordained, at least not in a sacramental manner, at any time in the Church's history. (Reports of one or two attempts to do so were treated as aberrations, and were regarded in the literature of the time more as eccentricities than anything else.<sup>2</sup>) While this was clear enough

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tic Doctrine," both in *Women Priests: A Catholic Commentary on the Vatican Declaration*, ed. L. Swidler and A. Swidler (New York: Paulist, 1977) 92-98, 99-106. For a historical discussion of the period from 1100 to 1500, see my "The Ordination of Women and the Theologians in the Middle Ages," appearing in *Escritos del Vedat* 16 (1986) 115-177 and subsequent issue. Hauke believes that the theological criticism which was needed concerning the ban on the ordination of women has now been done, but that this in itself is not enough. It is necessary to have a more positive treatment of the question which should take the form "Why indeed *should* women be ordained?" He fears that the line of argument that since women and men are equally *capable*, they are therefore equally capable of being ordained, is rooted in a "flight from the feminine." Reception of orders cannot be reduced to that; something more positive is required. In a short section, part of a historical review of the recipients of orders from NT times, he summarizes the view of Thomas, Bonaventure, and Duns Scotus from the standpoint of the "sign value" of the sacrament. Cf. M. Hauke, *Die Problematik um das Frauenpriestertum von dem Hintergrund der Schöpfungs- und Erlösungsordnung* (Paderborn: Bonifatius, 1982) 440-56. The volume contains an excellent bibliography.

<sup>2</sup> Wyclif, or Wyclifites, seemed to have countenanced, even encouraged, sending out women priests and preachers; at least this is the way Thomas Netter of Walden (1370-1430) felt in his polemical, anti-Wyclifite *Doctrinale antiquitatum fidei catholicae ecclesiae* (Venice, 1757-59). Netter was close to the government of Henry V and was appointed confessor to Henry VI. He was certainly in a position to know the attitude of those around

to them, whether this practice was simply a time-honored ecclesiastical convention or something of divine law was less evident. *If* the prohibition were a matter of divine law, the question was obviously far less sensitive than if it rested only on an ecclesiastical regulation. If nonordination of women was only of ecclesiastical origin, then there was a theoretical possibility that a woman could be ordained, perhaps even should be ordained. Would it not be an act of injustice, some began to argue, to exclude them? In this article I shall discuss this specific question as it came to the surface shortly after 1300, but before taking up this specific issue it will be well to examine briefly the medieval discussion of the ordination of women in general.

The earliest medieval treatment of the sacrament of holy orders appears among the canonists.<sup>3</sup> The body of canon law, like most law, was concerned chiefly with the external, the social relations between people, and not with a consistent and systematic treatment of a problem. Its province was matters such as who had the right to preach and when, who had authority in a church assembly and how they got it, who could touch sacred objects and who could not, and the like. Even the most elaborate

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the King. His work is of particular interest since it appears to be addressed to an audience of educated layfolk as well as clerics. He marshals many quotations from the Fathers but hardly ever refers to professional theologians of the Schools.

<sup>3</sup> Several collections of ancient church laws were known in the West in the early part of the Middle Ages. All of them contained canons which suggested that women should not, probably could not, serve in a clerical capacity. The oldest strata of this law, the *Dionysiana collectio*, came from a collection which had been prepared in the second half of the sixth century at Rome. This *collectio*, revised slightly in the ninth century, was transmitted by Pope Adrian to Charlemagne, becoming known as the *Hadriana collectio*. This, along with the *Hispana collectio*, attributed to Isidore, the sixth-century bishop of Seville, formed the basis for several collections of canons made about the time of the Gregorian Reform. Two collections compiled in the eleventh century, the *Decretum* of Burchard of Worms and that of Ivo of Chartres, were particularly influential. Finally, in the twelfth century, the Camaldolese monk Gratian produced the *Decretum* which was to become a standard. As its title suggests (*Concordance of Discordant Canons*), Gratian's purpose was to bring unity to the presentation of church law and to reduce its inconsistencies to a minimum. The existing canons on the clerical status of women came under his scholarly examination. The discussion going on in the eleventh and twelfth centuries was mediated to the theologians we will be considering through the various *glossae* made on the *Decretum* of Gratian. At the beginning of our period, the early thirteenth century, one of these *glossae* became more influential than the rest, the *Glossa* of John Teutonicus. Published in 1216 or 1217, it quickly became the apparatus used in the law schools of Bologna. From there it found its way into general use among theologians and lawyers, becoming known as the *Glossa ordinaria*. Virtually no new legislation about the ordination of women was to appear in the *Corpus juris canonici* collected after the beginning of the thirteenth century. When looking for norms which should regulate church practice on ordination, theologians followed the legislation found in the *Decretum* in the light of the interpretation offered by the *Glossa ordinaria* without undertaking any particular investigation of their own.

commentators on canon-law texts gave little theological explanation or exegetical arguments to prove their point. Canonists were content to state their case and not theologize too much about it.<sup>4</sup> With regard to the relation of women to holy orders, their case was that, since the ancient councils of the Church had said that women could not touch the sacred vessels and linens used at Mass, and since they could not preach or officially teach in church or public (as witnessed St. Paul), and since any ordained person was obliged to do these things, women and holy orders were incompatible. Texts which suggested that women had sometimes preached in church, especially as deaconesses, or were *presbyterae* were explained away by the eleventh- and twelfth-century canonists.

By the 1240s, after an initial silence which I find curious and intriguing, theologians at the universities began to ask if women were qualified to receive orders, and, if not, if it was their sex which excluded them.<sup>5</sup> The case made by the canonists might have been good enough to show that the nonordination of women was indeed the Church's ancient policy and discipline, but it was not good enough to demonstrate that this was the only policy which was possible. To settle this second question, theologians after 1250 in their commentaries on the *Sentences* of Peter Lombard began to re-examine the scriptural texts, look into the meaning of the sacrament of holy orders, and analyze the natural characteristics of men vis-à-vis women. This is not the place to go into this mass of literature. At its best it reveals a heightened awareness of orders as a sacrament (a sign of Christ's action in and for the Church) and its relation to the Eucharist; at its worst it reflects unexamined prejudices about the supposed male superiority over women taken as a class. Their prejudices about the supposed weakness and instability of the distaff sex need not detain us here, because these prejudices ultimately were not the basis for the theologians' conclusions.

<sup>4</sup> The canonical texts which theologians continually referred to were *Sacratas* D.23.25 and *Adicimus* C. 16.1.23, along with two forms of *Mulier quamvis* D.23.29 and *De con.* 4.20, *Mulier debet* D. 32.18, 19, *Diaconissam* C. 37.1.23, and *Si quis rapuerit* C. 27.1.30. Some words of comment prefacing *Causa* 15 were also cited at times.

<sup>5</sup> Peter Lombard does not raise the question himself when he discusses the sacrament of holy orders in his *Sentences*, composed in 1157 or 1158. Distinction 25 of his fourth book became, however, the classic locus for discussing the question in commentaries on his *Sentences* when his book became a kind of "set text" used at the universities around 1215. But early commentaries, and even those as late as Alexander of Hales or Albert the Great, did not always take up the question. The commentary of the Dominican Richard Fishacre at Oxford is the first one I have discovered which offers a treatment in a *Sentence* commentary. Perhaps other authors still excused themselves as did Peter of Poitiers in the 1180s: that he would not mention holy orders in his theological text because "that was handled by the canonists." Cf. *Sententiarum libri* 5, 14 (PL 211, 1257).

## ARGUMENTS BASED ON SYMBOLISM

While accepting the canonical tradition, theologians in their commentaries on the *Sentences* of Peter Lombard began to develop some arguments based on symbolism. Bonaventure typifies one line of approach.<sup>6</sup> He develops an argument which ultimately depends upon a Christian understanding of the relation between God and the human race, and an understanding of the parallel relationship between a man and a woman. He notes that the roles of man and woman are complementary, where the woman provides rest and a sense of fulfilment to man, while man provides for and supports the life of woman. In a parallel way the Church, which is also seen as feminine, becomes the place where God is able to find rest. God "delights to be with the children of men, as Proverbs says," while He guides and directs the Church through Christ, a mediator who is masculine. The relationship of humanity and God as feminine to masculine penetrates Bonaventure's thought.<sup>7</sup> God's activity, which is visible in the salvific work of Christ, is expressed in each one of the sacraments. It is appropriate, fitting, therefore, that the minister of them be masculine rather than feminine in gender.<sup>8</sup> To suggest otherwise would clearly be unsafe and most unlikely. For this we have the witness of the saints. Bonaventure's final option hardly differs from that of his contemporaries.

An essential point to remember with Bonaventure is that he is talking about *idealized* relations between man and woman, the symbolic value of masculine and feminine, not actual experience in particular cases. The relation is seen as a paradigm for a relation between God and His people, between Christ and his Church. Christ's minister is not so much a functionary (someone capable of performing a service) as a representative figure, a symbolic person.

Like Bonaventure, Thomas Aquinas also answered the question by

<sup>6</sup> Bonaventure, later to be minister general of the Franciscan Order, commented on the *Sentences* at Paris between 1250 and 1252. I will be citing from *Opera omnia* (Ad Claras Aquinas [Quaracchi]: Coll. S. Bonaventurae, 1882-9). For a study of his life and works, cf. J. G. Bougerol, *Introduction à l'étude de s. Bonaventure* (Paris: Desclée, 1961). Following common opinion, Bonaventure notes that a woman cannot be ordained because this violates *Sacratas*, but a doubt can legitimately be entertained about whether it might be *possible* for a woman to be ordained (*Sent.* 4, d. 25, a. 2, q. 1.).

<sup>7</sup> Cf. *Sent.* 2, d. 18, a. 1, q. 1. The interdependence of man and woman, which is an important concept for Bonaventure, is well summarized by J. M. Ferrante, *Woman As Image in Medieval Literature* (New York: Columbia Univ., 1975) 105-7. The same interdependence is reflected between God and the individual soul, Christ and his Church.

<sup>8</sup> *Sent.* 3, d. 12, a. 3, q. 1. The position of a bishop as spouse of the Church gives Bonaventure an opportunity to reassert his position; cf. *Sent.* 4, d. 25, a. 2, q. 1.

using symbolism.<sup>9</sup> As a commentator on the *Sentences*, Thomas accepts the somewhat inelegant formulation of the question, then customary, which asked if the feminine sex was one of the deficiencies of nature which prevented ordination. (The deficiencies of nature traditionally listed were age or immaturity, female sex, and the status of being a slave.) For Thomas, the sacrament of orders, like every sacrament, must express in sign form what is being signified in the sacrament. In the case of holy orders, what signifies happens to be a living person. It is essential, therefore, that any persons receiving any order be able to represent in their person what the order signifies. While arguing through symbolism, Thomas grounded his symbols somewhat differently than Bonaventure. His line of approach, which could also look to traditional precedents, was employed later by many theologians both inside and outside the Thomist School. It looked to what might be described as a political model, one which involved a relationship between being-in-authority and being-a-subject of authority. In line with this thinking, the feminine was continually referred to and characterized as having the status of being-a-subject.<sup>10</sup> The masculine, on the other hand, not being subject, could and should represent the role of authority. This relation was viewed as symbolic and apart from the real qualities of mind and spirit which might be present in a man or a woman in a given instance. Women were often wise and prudent and in charge of affairs; men were at times known to

<sup>9</sup> Thomas commented on the *Sentences* at Paris between 1255 and 1260, making him a junior contemporary of Bonaventure. We must rely on Thomas' formulation of the problem as it appears here, because his *Summa theologiae*, written some years later when he was a veteran teaching master, breaks off before he gets around to treating of orders. It is of little help to turn to his commentaries on Scripture. His mature commentary on the epistles of St. Paul (composed ca. 1270-72) breaks off at 1 Cor 10, just at the point where we might have expected him to deal with the ordination of women. We must rely instead on an earlier and much thinner version (dated ca. 1259-65), a *reportatio* of his secretary, Reginald of Piperno. Is it just a coincidence that Thomas never returns to a discussion of orders? Perhaps, perhaps not. There is no evidence as to why he breaks off his epistle commentary at chapter 10.

<sup>10</sup> *Sent.* 4, d. 25, q. 2, a. 1. In asserting this, Thomas was not breaking any new ground. The theme of subordination and eminence was a common one in the medieval period. It is part and parcel of the notion of hierarchy. As it appears in Thomas, cf. K. E. Børresen, *Subordination and Equivalence: The Nature and Rôle of Woman in Augustine and Thomas Aquinas* (Washington, D.C.: University Press of America, 1981). A. Bernal has studied the same matter with special reference to Thomas, "La condición de la mujer en Santo Tomás de Aquino," *Escritos del Vedat* 4 (1974) 285-335. It should be noted that the term "subject status" did not imply that woman was servant to man, for that would run counter to the dignity of the human person. If masculine authority was to be legitimate, it had to be exercised for the good and the utility of the person who was subject. Cf. *Sum. theol.* 1, q. 92, a. 1.

be weak, foolish, and in need of direction.<sup>11</sup> Another way of expressing the relationship, which was often used, was to say that women were not naturally in a position of "eminence," while men were.

While the notion of a subject status for women fit in quite well with the medieval social pattern, Thomas and other theologians of the time looked beyond the arrangements of society when they came to justify their theology of ministry. They relied on, or at any rate quoted, passages from the epistles of Paul (especially 1 Tim 1 and 1 Cor 11) and the imagery found in the first chapters of Genesis, which suggested to them that the status of being-a-subject was the symbolism of the feminine. Here, of course, a difficulty arose for a sacramental ministry for women, since this ministry grew out of the work of Christ. In their eyes the role of Christ was one of authority and not subjection. For Thomas, Christ was one who directed, taught with authority, and battled for the Church as her champion (*propugnator*).<sup>12</sup> Those who can receive orders must be those who can represent the authority possessed by Christ. From this point of view it is obvious that the recipient must be by nature in a position of authority. This becomes the precise theological reason why it was inappropriate to ordain women. It was the reason brought forward to justify church practice.

When the philosophy of pagan Greece, epitomized in the work of Aristotle, became known after mid-century, its negative view of woman's nature and ability was used as a convenient rationalization for speaking of women in a subservient role. It was not, however, the original basis of the view.

The symbolisms employed by Bonaventure, Thomas, and those in their milieu make it clear that they would have been uncomfortable with a feminine priesthood at any grade of ministry. In the following generation, i.e. toward 1300, theologians lost interest, and perhaps confidence, in the force of their symbolic explanations. The prevalent view that this world is somehow the image of the divine, that God's activity is reflected in the symbolism of the sacraments, began to fade. Instead, the sacraments came to be regarded more as gracious expressions of God's free gift, even as examples of grants of favor which were arbitrary. Less effort was made in *Sentence* commentaries to rely on arguments based on sacramental symbolism. Emphasis was focused instead on the practice of the Church. Theologians now turned their attention to justifying that practice, and to justifying it in different ways. Arguments about a woman's supposed emotional instability, lack of intelligence, greater timidity, and proneness

<sup>11</sup> A talented woman should teach privately although not in the public forum: *Sum. theol.* 2-2, q. 177, a. 2.

<sup>12</sup> *Sent.* 3, d. 12, q. 3, a. 1, *q1a* 2.

to lead others into sin appear with more insistence in the discussion. Bits of folk wisdom as well as the more systematized remarks of Aristotle were now brought forward in *Sentence* commentaries and biblical exegesis which tended to denigrate women.<sup>13</sup> This type of argument, left in isolation, will, of course, never prevail. First of all, it was psychological and not theological; and second, it ran against their own common experience. The very authors who wrote about the weakness of women were always obliged to make the point that *some* women at least were brighter and more competent than many men, that *some* women have faced difficulty and grave danger with poise and courage (the many women martyrs were obvious examples). Everyone was also well aware that women sometimes were called to govern duchies and kingdoms, even in feudal Europe, and that it was a much more common practice elsewhere.<sup>14</sup> Even if one should agree that the masculine sex *as a whole* was superior to the feminine, why not at least ordain those women who had demonstrated marked abilities?<sup>15</sup> Theologians now began to ask: Would it not be a mark of prejudice, even an injustice, to deny orders to a qualified Christian?

#### NEW ARGUMENTS

While not entirely abandoning the older arguments based on symbolism, sketched out above, theologians began to search for new arguments which would address the justice of the Church's long practice of not calling women to holy orders. The Franciscan Duns Scotus was the first author (at least the first I have found) to offer some suggestions on this

<sup>13</sup> Henry of Ghent, a secular master, replying to the question why women could not preach in the church *ex officio*, says that four things are necessary for the preaching office: *constancy*, so that the teacher may not deviate from the truth; *stamina*, to be able to sustain the teaching burden; *authority*, so that listeners will be led to believe; *vivacity of intellect*, so that people will be turned away from vices to virtue. Women fail on all four counts, he thinks, because they are inconstant and are easily led away from the truth; being the weaker sex, they have less stamina; because of their condition, they lack freedom, being always subject to another; and besides, their voice leads to sensuality. Cf. *Summae quaestionum ordinariarum* 1, a. 11, q. 2 (Paris: Iodoci Badii, 1520). Richard of Middleton, a popular Franciscan author, speaks to the same effect. He seems to have popularized the phrase that women were "weak of intellect and fickle in affections": *Magistri Ricardi de Mediavilla super quatuor libros Sententiarum* 4, d. 25, a. 5, q. 1 (Brescia, 1591).

<sup>14</sup> The usual response to explain why women could be empresses or duchesses, and yet not have any authority in the Church, was to say that authority in civil matters was one thing, religious authority (presumably a higher type of authority) another.

<sup>15</sup> It was agreed that if women did possess knowledge and skill, they should not conceal them but use them for the good of others. A wise woman could teach what she knew, but in private. The notion of "at home" seems to be implied. Cf. Thomas, *Sum. theol.*, 2-2, a. 177, q. 2.



score.<sup>16</sup> In his hands the final and ultimate reason why women should not, and cannot, be ordained rests not on symbolism but on a historic determination. Since Christ initiated the sacraments, and since they confer the grace they claim they do through a solemn pact which God has made, it is the will of Christ that determines the conditions under which this pact will be carried out.<sup>17</sup> The reason why women cannot be ordained is based on a decision of Christ. But why is Scotus so convinced that this was the actual will of Christ and not simply ecclesiastical usage? It is here that Scotus' argument takes a surprising turn. It seems inconceivable to him that the Church, or even the apostles themselves, could deprive even a single person, let alone an entire sex, of something that would be beneficial to salvation. Neither the Church nor the apostles, he feels, could in justice deny this "status" (his word is *gradus*) to anyone if it would be conducive to salvation, unless the Church and the apostles were acting under Christ's direction. Christ, who is Lord of all, is the only authority capable of issuing such a prohibition.<sup>18</sup>

In the wake of this line of reasoning, two important themes enter into the sacramental discussion. First, there is a tendency to see holy orders as a grace (a gift) which can be directed toward one's personal salvation. In a sense, orders becomes a kind of personal possession. Perhaps this was logically inevitable when the minister was no longer seen as a symbolic figure whose service was essentially a public, sacramental representation. In any event, orders is presented as a kind of personal gift, something to be striven for even apart from the needs of the community. The fact that orders is given to someone to serve the Church is never denied, of course, but its ecclesial purpose came to be further overshadowed. When ordination becomes a grace which is personal, it

<sup>16</sup> Duns Scotus lectured twice on the *Sentences*, once at Paris and once at Oxford. (He seems to have covered all four books in both places, though not in sequence.) The state of Scotus' text presents many problems, aggravated, no doubt, by his early death. We have been left with something like a work-in-progress. The edition being prepared under a commission headed by Carlo Balić has done much to sort out the problems and to present us with a trustworthy text. Unfortunately, the commission has not yet reached the part of Scotus' commentary of interest to us. I shall rely on the Wadding text found in the edition of his *Opera omnia* (Paris: L. Vives, 1895-). Vol. 19 contains his *Opus Oxoniense* (dated 1304); Vol. 24 contains his *Reportatio Parisiensis* (dated 1303). The lectures are substantially the same but contain some interesting variations.

<sup>17</sup> Scotus was at pains to show that the action of the bishop in ordaining someone was not what *caused* that person to be ordained. The bishop did not act as a necessary agent, but only contingently. If a bishop should ceremonially ordain a woman, Scotus argues, this is not proof that she is ordained. What is proved is that the bishop, like any contingent agent, does not act absolutely. His act takes effect only "in most cases" following the divine disposition (cf. 19, 140).

<sup>18</sup> *Ibid.*

also becomes something which can be desired for quite private reasons. At that point orders can be legitimately sought by anyone who feels a need for this sacramental grace. It is an enhancement of personal dignity, even as a matter touching on justice.

The second tendency, which I have already touched on, is that the conditions for conferring orders depend less now upon the Christian community than they do upon the arbitrary will of Christ. A human legislator can be called to account and made to give reasons, symbolic or otherwise, for regulations and restrictive conditions which are set, but a divine legislator is bound by no such constraints. God is free to be arbitrary.

Scotus was a theologian, however, and we would not expect him to leave the matter there. While the absolute powers of God are beyond our ken, and we will never completely know why women have been excluded from orders, Scotus offers some *congruous* lines of argument, some "plausibilities" we might call them, to give some explanation. In this he is not particularly original and follows earlier theologians. Women have been excluded from orders, he suggests, because their status is one of being-subject and not one of eminence. Moreover, those in orders must teach and preach, something which exceeds the capacities of women.<sup>19</sup> These arguments, however, only offer some plausibility; they do not really demonstrate Christ's intention. To gain some further assurance that this really was Christ's intention, Scotus examines the figure of the Blessed Virgin. In a curious way, he develops an argument which takes the same form as the argument he will construct to defend the immaculate conception of Mary. The mother of Christ was most holy, and thus most worthy of all possible graces. No one in the Church could be equal to her in sanctity or honor, yet the grace of orders was not given to her.<sup>20</sup> Scotus leaves us to draw the inference that the grace of orders for some reason was not appropriate to the Virgin, and, by extension, was not appropriate to other women as well.

Scotus is aware of one other hurdle to his argument, and that lies in stories about famous women in the circle of the apostles. What should we say of St. Mary Magdalene, who was called *apostola* and was a great preacher in the early Church?<sup>21</sup> Interestingly enough, Scotus does not

<sup>19</sup> 24, 370.

<sup>20</sup> 24, 370-71.

<sup>21</sup> The name of Mary Magdalene appears as an important figure in much apocryphal literature. In the *Gospel of Mary* she is presented as equally graced with Peter and the other apostles; cf. E. Hennecke, *New Testament Apocrypha* 1 (London: SCM, 1983) 340-44. In one version of the *Acts of Pilate* she volunteers to go to Rome to show Caesar the evil that Pilate had done; cf. *The Apocryphal New Testament*, ed. M. R. James (Oxford: Clarendon, 1924) 117. The stories were known to the Schoolmen, although they do not cite any texts.

dismiss the story out of hand. He fields this objection by saying that if this legend is true, it represents a special privilege given by Christ to Magdalene as an individual. Privileges given to individuals do not generate any precedents and cease with the death of the person possessing the favor, as canon law teaches. This answer serves to parry any argument which might try to show that it was somehow unjust not to call women to holy orders. No one would accuse Jesus of being unjust toward his own mother. Moreover, privileges are gifts which are freely given, and so have nothing to do with the order of justice. The remarks Scotus makes about Mary and the legend of Mary Magdalene are brief and somewhat tentative. They were developed in *Sentence* commentaries throughout the fourteenth century, especially in the Scotist school.

The theme of justice was taken up by many theologians in the years immediately after Scotus' death. These are minor figures today but were not so regarded in their own time. A contemporary Spanish Franciscan, Antonio Andreas, talking about women and orders, says that we should not believe that the stricture against them is simply an ecclesiastical norm, for the Church on its own authority could not exclude the whole of the feminine sex from such a dignity without falling into a sin itself.<sup>22</sup> This is especially the case when we reflect that this status (i.e., *gradus*) is given not only for the sake of others, but as a perfection of the soul of the person who possesses it. It is for this reason that we must conclude that the prohibition was introduced by Christ and not by the Church. A sign of this, he continues, is that Christ did not bestow any grade of orders upon his mother, who nonetheless exceeded every creature in purity.

Bishop Durandus, a Dominican, writing in the 1320s, argues in the same vein.<sup>23</sup> It would be wrong to suppose that the regulation about not ordaining women was something given out by the apostles. They could not withhold a dignity useful for salvation and granted by Christ without being guilty of prejudice themselves. Durandus thinks that prejudice in this matter would be more reprehensible than any sort of political disability, since orders is a gift valuable for promoting one's eternal

<sup>22</sup> Antonio Andreas (1280–1320) was at the newly formed University of Lerida about 1315. He later became Franciscan minister of the province of Aragon. Although little is known of him, the frequent editions of his *Sentences* in the 15th and 16th centuries testify to the popularity of his work. Cf. *Ant. Andreae Conventualis Franciscani . . . Sent.* 4, d. 25, q. 1, a. 3 (Venice, 1578) II fol. 156rb.

<sup>23</sup> Durandus of Saint-Pourçain (1275–1334) lectured at Paris as a bachelor, 1307–8. Under pressure from elements within his order, he felt forced to revise his commentary, 1310–13. After his appointment as bishop of Limoux, he revised his commentary yet again, producing his third and definitive version between 1317–27: *D. Durandi a Sancto Portianno . . . Petri Lombardi Sententias theologicas commentariorum . . .* 4, d. 25, q. 2 (Venice, 1571) II:364va.

rather than temporal salvation if used rightly. If Christ had wished women to be ordained, such an honor could not be withheld by any ecclesiastical law.<sup>24</sup> In this matter the apostles have simply handed down what they received from the Lord. This is shown by the way in which Christ instituted this sacrament. At the Last Supper he ordained only men when he gave the power of consecrating the Eucharist, and, again, only men were mentioned when he imparted the Spirit for forgiving sin after his resurrection. Moreover, Durandus notes, Christ did not ordain his mother to any grade of orders, even though she was the most holy of women.

Durandus' successor at Paris, Peter de la Palude, closely followed the same line of thought.<sup>25</sup> Not even the pope, he said, can dispense from the restriction barring women from orders, because that would affect the very "matter" of the sacrament, which is outside the Church's competence. There are, of course, many sacramentals, such as blessings, consecrations, and similar ceremonies, which have been introduced by the Church. Unlike the sacraments, these sacramentals are indeed subject to change and modification under ecclesiastical supervision. Should the lesser orders, Peter asks, be included among this group or not? He replies: If you happen to believe that only the priesthood is a sacrament and the lesser orders are only sacramentals, then it is perfectly true that the pope could change them, and change the conditions making someone eligible to receive them. Whatever we may think about the various minor orders, Peter cautions, the masculine sex is a necessary condition whenever we are speaking about the *sacrament* of orders. By way of explanation, Peter simply quotes verbatim the text of his teacher Durandus.

The Franciscan William of Rubio, writing about the same time, picks up the threads of Soctus' argument.<sup>26</sup> It seems implausible to him that the Church would deprive a whole sex of the ability to receive orders—something both of value and an aid to salvation—if women as a matter of fact were capable of being ordained. Now it is quite certain, he insists, that orders would be helpful to salvation for women just as they are for

<sup>24</sup> Ibid.

<sup>25</sup> Peter de la Palude (ca. 1277–1342) was a skilled diplomat and polemicist. Peter was a member of the commission authorized by the Dominican general chapter to examine the writings of Durandus. Although the commission reported negatively on his theology, this did not prevent Peter from freely borrowing from Durandus' text, verbatim at times. Cf. *Magistri Petri de la Palude . . . Sent.* 4, d. 25, q. 3, a. 1 (Paris, 1514) 133rb.

<sup>26</sup> William of Rubio (1290–?) was a student at Paris, 1315–25, possibly a student of Francis de la March. The Franciscan general chapter of Assisi, 1334, examined and approved his commentary. No manuscript survives although several editions do. Cf. *F. Guillelmi de Rubione venerabilis . . . in quatuor libros magistri Sententiarum* 4, d. 25, q. 3 (Paris, 1518) II fol. 196rb.

men, if women were in fact able to receive them. The Church itself would not be without sin if she unilaterally deprived a whole sex of open access to them. No statute resting simply on the authority of the Church could bar a woman from orders if she were in fact capable of receiving them. If such a statute exists, then it is not the legislation of the Church but a prohibition which rests on a divine rule. He concludes, somewhat sharply, that a general disability such as this one is the kind laid down on those who are incapable of carrying out the activity involved in orders, as, for example, is the case of a person incapable of speech (*mutus*).

After the second quarter of the fourteenth century, interest in the problem of the ordination of women seems to have begun to wane, at least among theologians who wrote commentaries on the *Sentences*. This lack of interest, I might add, paralleled a general lack of interest in sacramental theology as a whole. Evidence for this can be found in the shape of the *Sentence* books themselves. During the century, commentaries on the fourth book of the *Sentences*, where sacraments were discussed, became progressively shorter, while introductions and discussions on the material in the first book (dealing largely with theological methodology and epistemological problems) grew ever longer and more intricate. Discussions on the sacraments were squeezed into fewer and fewer *quaestiones* occupying fewer and fewer folios. In commentaries, some authors never got around to discussing all of the seven sacraments, often contenting themselves with some remarks about baptism and the Eucharist.

The tendency to pass over the sacraments lightly was accelerated in the fourteenth century by the movement known as nominalism (or terminism). William of Ockham, whose philosophical system provided the inspiration for much of its theological methodology, had nothing to say about orders in his own treatment of the sacraments, and in consequence the question of the ordination of women was not considered. His commentary set a precedent for other theologians of the nominalist school, who do not discuss orders in any detail.<sup>27</sup> The silence of nominalist

<sup>27</sup> The dates for the early life of William of Ockham (or Occam) are based on the first known date, when he was licensed to hear confessions by the bishop of Lincoln, 1318. As a Franciscan, he was sent to Oxford, commenting on the *Sentences* most likely between 1317 to 1319, certainly before 1323. Since he never completed his degree as master in theology because of charges against his orthodoxy, he was called the Venerable Inceptor by his followers, who honored him with the highest academic degree he had received (*Inceptor*). For his life and work, cf. G. Leff, *William of Ockham: The Metamorphosis of Scholastic Discourse* (Manchester: Manchester Univ., 1975). An accessible edition of his work is *Guillelmus de Occam OFM: Opera plurima super 4 libros Sententiarum* (Lyon, 1494-96; Gregg reprint, 1962). Occam's fourth book is divided into 14 questions, only 9 of which deal with the sacraments. Of these, 4 through 8 deal with the Eucharist and are concerned

theologians prevented them, of course, from making any contribution to the discussion such as Scotus and his followers had done when they raised the issue of justice. The overall effect of the silence of the nominalists, however, went further than that. If we accept the view of historians that nominalist thought represented the cutting edge of philosophical and theological development in the latter half of the fourteenth century, and that it dominated the intellectual imagination of masters in so many of the newly founded universities of Germany well into the fifteenth century, it seems clear that a large portion of theology students toward the end of the Middle Ages would have heard little about the underlying basis for the relation of women to holy orders, or, for that matter, about the grounding of orders at all. This would inevitably have left students with the impression that the current arrangements in the Church were mandates imposed by the infinite God, about which little needed to be said, or indeed could be said.

The matter of justice was raised at the turn of the fourteenth century, and it is tantalizing not to be able to know just how much soul-searching it may have represented in the minds of theologians at the time. The issue was soon discarded again, for it seems that justice, too, was hidden in the unfathomable mind of God. For policy and direction, the faithful were left to rely on the Church, which was now burdened with a double duty. It was to teach what was true (what God had revealed), and for this it was endowed with infallibility. It was also to be sure that its actions and policies were in accord with justice (what God had willed), and for that it needed to be endowed with indefectibility.

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almost entirely with the metaphysics of the real presence of Christ in the bread and wine. No mention is made of holy orders at all.