

HAS THE CONGREGATION FOR THE DOCTRINE OF THE FAITH EXCEEDED ITS AUTHORITY?

THOMAS P. RAUSCH, S.J.

[The declaration of the Congregation for the Doctrine of the Faith, Dominus Iesus, has frequently been misunderstood. It does not assert that Catholicism is the sole path to salvation and it has a number of important points to affirm. Yet some of its judgments in regard to other churches may go beyond what was actually taught by Vatican II. If this is so, the congregation has exceeded its authority and runs the risk of closing off theological dialogue.]

ON AUGUST 6, 2000, the Congregation for the Doctrine of the Faith issued its controversial declaration *Dominus Iesus*.¹ The declaration was intended as an internal instruction, written primarily for Roman Catholic theologians. As Kilian McDonnell has noted, the text has two main contentions: “the unique role of Christ in the salvation of all humanity and the unique role of the church in that universal salvation.”² The document raises a number of necessary cautions about some directions in contemporary Catholic theology particularly in its rejection of religious relativism (no. 22).

In regard to dialogue with other religions, the document affirms in the strongest terms that in the mystery of Christ “the full revelation of divine truth is given” (no. 5). Therefore it must “be *firmly believed* as a truth of Catholic faith that the universal salvific will of the one and triune God is offered and accomplished once for all in the mystery of the incarnation, death and resurrection of the Son of God” (no. 15). This, of course, is basic Christian doctrine. It may indeed need to be reaffirmed at this particular

THOMAS P. RAUSCH, S.J., is the T. Marie Chilton Professor of Catholic Theology and chair of the department of theological studies at Loyola Marymount University, Los Angeles. He received his Ph.D. from Duke University in 1976. Among his recent publications are *Reconciling Faith and Reason: Apologists, Evangelists, and Theologians in a Divided Church* (Liturgical, 2000) and *Catholics and Evangelicals: Do They Share a Common Future?* (Paulist, 2000). He is currently preparing a book on Christology and another on evangelization.

¹ Congregation for the Doctrine of the Faith, “*Dominus Iesus*,” *Origins* 30 (September 14, 2000) 209–19.

² Kilian McDonnell, “The Unique Mediator in a Unique Church: A Return to a Pre-Vatican Theology?” *Ecumenical Trends* 29 (December 2000) 1–6, at 2.

moment in the life of the Church. For Catholics involved in ecumenical dialogue, the document affirms the unicity of the Church founded by Christ. “Just as there is one Christ, so there exists a single body of Christ, a single bride of Christ: ‘a single Catholic and apostolic church’.” Catholics must continue to believe that through apostolic succession there is continuity between the Church founded by Christ and the Catholic Church (no. 16). This too is Catholic doctrine.

Dominus Iesus does not assert that Catholicism is the sole path to salvation, as was frequently alleged by the news media, following a story in the *Los Angeles Times*.³ In fact *Dominus Iesus* repeatedly asserts that “salvation in Christ” (no. 20) or “salvific grace” (no. 21) is available and possible for those not formally members of the Church, and it recognizes that the sacred writings of other religions may for their members “nourish and maintain their life relationship with God,” even if they fall short of what the Catholic Church understands by divine inspiration (no. 8). *Dominus Iesus* rightly seeks to safeguard the uniqueness of biblical revelation; but the theological implications of what is implied about these non-Christian sacred writings nourishing a relationship with God has yet to be unpacked.

Dominus Iesus was not intended as an ecumenical document. One of the most positive responses came from an editorial in *Christianity Today*, the flagship magazine for U.S. Evangelicals, which hailed *Dominus Iesus* as “honest ecumenism.” The editorial praised its attempt to articulate honestly the Church’s belief and its warning about an uncritical openness to religious pluralism.⁴ Nevertheless, the document was overall a public relations disaster for the Church.⁵ Many of the Church’s dialogue partners, both Christian and non-Christian, found it offensive. George L. Carey, Archbishop of Canterbury, said that “The idea that Anglican and other churches are not ‘proper churches’ seems to question the considerable ecumenical gains we have made.”⁶ The World Alliance of Reformed Churches (WARC), based in Geneva, considered canceling a dialogue session.

In the weeks following the publication of *Dominus Iesus*, various members of the hierarchy, including Pope John Paul II, found themselves doing damage control. The pope assured the WARC representatives that the

³ *Los Angeles Times*, “Vatican Declares Catholicism Sole Path to Salvation,” 6 September 2000, A1, A8.

⁴ “Honest Ecumenism,” *Christianity Today* 44 (October 23, 2000) 28–29.

⁵ See “Rome, Relativism, and Reaction,” *Religion in the News* 3/3 (Fall 2000) 13–15, 27.

⁶ Cited by the *Los Angeles Times*, 6 September 2000; Carey’s statement was issued on 5 September 2000.

Catholic Church's commitment to ecumenical dialogue was "irrevocable."⁷ Cardinal Edward Cassidy, then President of the Pontifical Council for Promoting Christian Unity, said in an exchange with faculty and students at the Catholic University of America that *Dominus Iesus* "has had a very negative impact" on ecumenical relations around the world.⁸ In an address on the ecumenical role of the bishop, given at a workshop for the U.S. bishops, the Cardinal spoke of a fear "hidden, but yet having an enormous influence on policy and action within our church . . . that ecumenism threatens the doctrinal understanding of the church." Reaffirming the Church's ecumenical commitment, he argued that ecumenism can never be just a program: "ecumenism is in the nature of being the Catholic Church."⁹ Cardinal Walter Kasper, Cassidy's successor, criticized the language of the document, its affirmation that the churches that grew out of the 16th-century Reformation were not "churches in the proper sense," and its failure to mention the fruits of ecumenical dialogue since the council.¹⁰

Two things were particularly problematic. First, the tone of the document was at the very least ungracious. It made no effort to acknowledge the considerable progress that had been made in ecumenical and interreligious dialogue in the 35 years since the council ended; nor did it mention the many positive initiatives of Pope John Paul II in these areas. As Peter Chirico observed, "the document was written the way it would have been written 60 years ago."¹¹ The language of the document could easily be heard as offensive by those not familiar with official Catholic teaching, for example, the statement that followers of other religions were "gravely deficient" in comparison to those within the Church (no. 22). Ecclesial communities lacking "valid episcopate" were described as "not churches in the proper sense" and suffering from "defects," even if not deprived of significance and importance in the mystery of salvation (no. 17).

But other Catholic voices have been able to speak more positively. The 1993 *Ecumenical Directory* acknowledges a partial or "certain communion" between the Catholic Church and other "churches and ecclesial com-

⁷ "Commitment of Ecumenism Called Irrevocable," *Origins* 30 (September 28, 2000) 256.

⁸ Reported by the Catholic News Service; cited in *The Tidings*, 24 November 2000, 2.

⁹ Cardinal Edward Cassidy, "The Ecumenical Commitment of the Church," *Origins* 30 (December 31, 2000) 447–51, at 449.

¹⁰ "Vatican's New Ecumenical Officer May Smooth Relations with Protestants," *Christianity Today*.com, Week of March 12 (posted 3/12/01); www.christianitytoday.com/ct/2001/111/17.0.html.

¹¹ Peter Chirico, "'Dominus Iesus' as an Event," *America* 184 (March 26, 2001) 24–28, at 26.

munities.”¹² Pope John Paul II used similar language in his encyclical *Ut unum sint* (no. 11). Yet *Dominus Iesus* speaks only of a partial communion between *members* of these communities and the Catholic Church. Thus it seems to ignore the ecclesial reality of their communities.

A recent statement of the Congregation for the Doctrine of the Faith, the “Commentary on the Notification Regarding Father Dupuis’ Book,” acknowledges that the “literary genre” of *Dominus Iesus* is different from other modes of discourse used by the magisterium. In the case of *Dominus Iesus*, the mode is “indicative/declaratory,” used “to communicate to the faithful that these are not debatable opinions or disputed questions, but rather central truths of the Christian faith which are denied or seriously threatened by specific theological interpretations.”¹³

This leads to a second, and perhaps even more problematic aspect of *Dominus Iesus*. Are all the points insisted on by *Dominus Iesus* “central truths of the Christian faith”? Is a theological position maintained by the declaration a central truth just because the Congregation for the Doctrine of the Faith says that it is? More specifically, my concern is that in several instances *Dominus Iesus* seems to move in the direction of closing questions that the council left open. This is quite different from communicating central truths of the Christian faith. Some examples.

THE DISTINCTION BETWEEN CHURCHES AND ECCLESIAL COMMUNITIES

Dominus Iesus argues that ecclesial communities that have not preserved the valid episcopate and the genuine and integral substance of the eucharistic mystery “are not churches in the proper sense” (no. 17). This may well be implied by the logic of the Vatican II’s Decree on Ecumenism. Yet *Dominus Iesus*’s judgment goes beyond what the council actually said. Jerome Hamer, who had served as the secretary of what was then known as the Secretariat for Promoting Christian Unity, emphasized that the council did not refer to the Protestant communities as churches; its method was to move from the recognition of valid orders to the title church, not the reverse.¹⁴ The word “church” was included in the phrase “churches and

¹² Pontifical Council for Promoting Christian Unity, *Directory for the Application of Principles and Norms on Ecumenism*, no. 18; text in *Origins* 23 (July 29, 1993) 129–60, at 133.

¹³ Congregation for the Doctrine of the Faith, “Commentary on the Notification Regarding Father Dupuis’ Book,” no. 6; text in *Origins* 30 (March 29, 2001) 656–59, at 659.

¹⁴ Jerome Hamer, “La terminologie ecclésiologique de Vatican II et les ministères protestants,” *Documentation catholique* 68 (1971) 626–28, at 628; George Tavard comments: “I am not aware of any refutation of Hamer’s view, which

ecclesial communities” in order to include the Old Catholics who, like the Orthodox, were considered to have valid orders and a valid Eucharist.¹⁵ On the other hand, at the end of his essay Hamer draws three conclusions, two of which are relevant here: First, he noted that the council set in relief the ecclesial character of the Protestant communities without recognizing them explicitly or implicitly as churches. Second, it neither restricted the name “church” to those communities that validly preserved the sacrament of order and Eucharist, nor did it say that those communities that had not realized these two conditions could legitimately be called Church. It did not want to limit the debate of theologians on this point or to prejudge it.¹⁶

Francis Sullivan agrees that “the council never flatly declared that the ecclesial communities are ‘not churches in the proper sense,’ as the CDF has now done.”¹⁷ He notes that Pope John Paul II speaks much more positively of other Christian communities in *Ut unum sint*. The pope acknowledges that to the extent that these communities realize elements of sanctification and truth, “*the one church of Christ is effectively present in them*” while *Dominus Iesus* suggests that it is present and operative only in what it calls “true particular churches,” that is, the Orthodox churches.¹⁸ Therefore, in stating that ecclesial communities are not churches in the proper sense, *Dominus Iesus* seems to close a question that Vatican II left open.

THE VALIDITY OF ORDERS IN THE REFORMATION CHURCHES

Who are “the ecclesial communities which have not preserved the valid episcopate and the genuine and integral substance of the eucharistic mystery” that according to *Dominus Iesus* are “not churches in the proper sense” (no. 17)? Sullivan points out that the council never specified *which* communities these were.¹⁹ Are they to be understood as the Protestant

corresponds perfectly with my own memories of the genesis of the Decree on Ecumenism” (“The Recognition of Ministry,” *Journal of Ecumenical Studies* 11 [1974] 65–83, at 71–72). John Hotchkin presented Hamer’s argument at some length in “Canon Law and Ecumenism: Giving Shape to the Future,” *Origins* 30 (October 19, 2000) 289–97, at 294–95.

¹⁵ Hamer, “La terminologie ecclésiologique” 627.

¹⁶ Ibid. 628; see also Hotchkin, “Canon Law and Ecumenism” 295.

¹⁷ Francis A. Sullivan, “The Impact of *Dominus Iesus* on Ecumenism,” *America* 183 (October 28, 2000) 8–11, at 10. John Hotchkin also has argued that Vatican II did not intend to make a “clear and sharp distinction between churches and ecclesial communities” (“Canon Law and Ecumenism” 293).

¹⁸ *Ut unum sint*, no. 11; Sullivan, “Impact of *Dominus Iesus*” 11 (emphasis added by Sullivan).

¹⁹ Sullivan, “Impact of *Dominus Iesus*” 10.

churches, as indeed many Protestant churches seem to have concluded, judging from their reaction?

In speaking of churches and ecclesial communities separated from the Roman Apostolic See, the Decree on Ecumenism makes a distinction between the “Churches of the East” (no. 14) and the “churches and ecclesial communities which were separated from the Apostolic See of Rome” at the end of the Middle Ages or later (no. 19). The formula “churches and ecclesial communities” appears five times in *Unitatis redintegratio*. The only time “ecclesial communities” appears by itself is in UR 22, where it asserts: “we believe that especially because of the lack of the sacrament of orders they have not preserved the genuine and total reality of the Eucharistic mystery.” Why was the complete formula not used here? Because, says Hamer in his article, “La terminologie ecclésiologique de Vatican II et les ministères Protestants,” the council had in view the position of the Protestants, the Christian groups where the council saw a lack or defect of the sacrament of orders.²⁰ Thus, when Vatican II and *Dominus Iesus* speak simply of “ecclesial communities,” most would understand them as referring to the churches stemming from the Reformation, the Protestant churches.

At the end of his article Hamer stated that the theological language of the council does not permit a conclusion concerning the validity of ministry in the Protestant communities.²¹ The council did not decide this question. Its approach here was not so different from that of the Council of Trent. Many scholars argue that Trent considered Protestant orders as illicit but not invalid.²² George Tavard argues that a judgment of invalidity is implied as a statement of principle but was not a conclusion actually drawn by the council.²³ As Bishop Richard Sklba of Milwaukee recently observed, Trent left open many questions regarding ministry, not wishing “to resolve issues prematurely or contrary to more ancient opinions in the church.”²⁴

While *Dominus Iesus* does not actually say that ordained ministries in

²⁰ “Tout simplement parce que le Concile vise ici la position protestante, les groupes chrétiens où le sacrement de l'ordre fait défaut” (Hamer, “La terminologie ecclésiologique” 628; italics in original).

²¹ Ibid.; see also Hotchkin, “Canon Law and Ecumenism” 295.

²² For example, Harry J. McSorley, “Trent and the Question: Can Protestant Ministers Consecrate the Eucharist,” *Lutherans and Catholics in Dialogue IV: Eucharist and Ministry*, ed. Paul C. Empie and T. Austin Murphy (Washington: USCC, 1970) 283–99, esp. 289–92; also Heinz Schütte, *Amt, Ordination und Sukzession: im Verständnis evangelischer und katholischer Exegeten und Dogmatiker der Gegenwart sowie in Dokumenten ökumenischer Gespräche* (Düsseldorf: Patmos, 1974) 348–49.

²³ George Tavard, “Recognition of Ministry” 68.

²⁴ Richard Sklba, “Four Important Truths Learned in Lutheran-Catholic Dialogue,” *Origins* 30 (December 21, 2000) 452.

the Protestant churches are invalid, its judgment that they are not churches in the proper sense clearly implies this, given the council's movement from the sacramental validity of ordained ministry to the theological designation of Church. It could be argued that the logic of the Second Vatican Council tended toward a negative judgment in regard to Protestant ministries, but as noted above, it did not decide this question. Here again, *Dominus Iesus* appears to move toward closing a question that the council left open.

ORDINATION AND THE OFFICE OF BISHOP

Related to the question of ministerial validity is that of the role of bishops in ordination. The late John Hotchkin noted that Vatican II, following its theological commission, left open the question of whether or not bishops are the exclusive ministers of ordination. It went beyond the position of Canon 7 of Trent's decree, *De sacramento ordinis*, anathematizing those who hold that bishops have the power to confirm and ordain in common with priests.²⁵ This question remains open to theological investigation and dialogue.²⁶ On the other hand, *Dominus Iesus*, in saying that ecclesial communities "which have not preserved the valid episcopate and the genuine and integral substance of the eucharistic mystery, are not churches in the proper sense," seems to move toward closing this question.

OTHER EXAMPLES

Dominus Iesus is not the only document of the Congregation for the Doctrine of the Faith that seems to move beyond the Second Vatican Council. In a recent article commenting on the congregation's 1992 letter to the bishops, "On Some Aspects of the Church Understood as a Communion," Cardinal Walter Kasper argues that the congregation "went beyond the limits of the council's doctrine, which is that the universal church exists 'in and from' the local churches." The congregation reversed this, asserting that local churches exist "in and from the universal church" and putting forward the thesis of "the ontological and historical priority of the universal church."²⁷ Kasper points out that the question of the "primacy of the churches" is not about any point of Catholic doctrine, but represents a

²⁵ "If anyone says that bishops are not superior to priests, or that they do not have the power to confirm and ordain, or that they have it in common with priests . . . an[athema] s[it]." Denzinger-Schönmetzer, no. 1777 (cited by Hotchkin, "Canon Law and Ecumenism" 295).

²⁶ Hotchkin, "Canon Law and Ecumenism" 295.

²⁷ Walter Kasper, "On the Church," *America* 184 (April 23–30, 2001) 8–14, at 11–12.

conflict “between theological opinions and underlying philosophical assumptions.”²⁸

There are also other Vatican documents that seem to move against the direction taken by the council. For example, the argument can be made that the council was moving toward a more inclusive concept of ministry. In an important study, Elissa Rinere shows that Vatican II used the terms “minister” and “ministry” 19 times in reference to the activity of lay people.²⁹ Yet the 1997 Instruction, “Some Questions Regarding the Collaboration of the Nonordained Faithful in the Sacred Ministry of Priests,” published by eight Vatican offices, appears to restrict again the language of ministry to the ordained.³⁰ Its title seems to echo pre-Vatican II language that described the “lay apostolate” as “the collaboration of the laity in the apostolic tasks proper to the hierarchy.”³¹ Missing from the document is the council’s emphasis on the complementarity and equal importance of the two priesthoods that one finds in *Lumen gentium* (no. 10). John Paul II gave a tentative recognition of lay ministry in one of his talks: “In some cases the extension of the term *ministry* to the *munera* belonging to the lay faithful has been permitted by the fact that the latter, to their own degree, are a participation in the one priesthood of Christ. The *officia* temporarily entrusted to them however are exclusively the result of a deputation by the church.”³²

LEAVING ROOM FOR THEOLOGICAL DEBATE

It is not the role of the Congregation for the Doctrine of the Faith to enter into theological debate. But it needs to leave room for that debate to take place. Even more, whatever it might do to encourage those working on behalf of the Church in carrying out its commitment to reconciliation and Christian unity would be welcomed by others.

Certainly, there has been considerable theological progress on the question of ministry in the Reformation churches in the many years of dialogue since the council. The 1981 document of the international Roman Catholic-Lutheran Joint Commission, “The Ministry in the Church,” argues that the *defectus* in the sacrament of orders in the Reformation churches referred to by the Decree on Ecumenism (no. 22) could be understood as meaning “a

²⁸ Ibid. 13.

²⁹ Elissa Rinere, “Conciliar and Canonical Applications of ‘Ministry’ to the Laity,” *The Jurist* 47 (1987) 204–27, at 205.

³⁰ *Origins* 27 (November 27, 1997) 397–409.

³¹ Pius XII, “Allocution to Italian Catholic Action,” *Acta apostolicae sedis* 32 (1940) 362–72, at 362.

³² John Paul II, “Do Laity Share in the Priest’s Pastoral Ministry?” *Origins* 24 (June 2, 1994) 40–43, at 42.

lack of the fullness of the church's ministry," rather than as a complete absence of it (no. 77).³³ More recently, theologians such as then Bishop Walter Kasper and David Power have suggested that full ecclesial and ministerial reality is dependent, not on apostolic succession considered by itself, but on integrating a given church into the communion of all the local churches. Kasper, now president of the Pontifical Council for Promoting Christian Unity and recently named Cardinal, notes that "Vatican II merely talks about a *defectus* with regard to the full form of ministry, a lack, but not a complete absence. Thus a certain degree of recognition has been conceded."³⁴ Power states that the question of ministry is not reducible to an issue of the power to celebrate, but to a lack of the fullness of visible communion.³⁵ Finally, as Francis Sullivan suggests, greater emphasis on the evident fruitfulness of ministry in these communities would contribute to a more positive appreciation than one finds in *Dominus Iesus*.³⁶

CONCLUSION

The Congregation for the Doctrine of the Faith has an important ministerial role to play in calling the Church to doctrinal fidelity. Yet it exceeds the limits of its authority if it seeks to close questions that the magisterium has left open. In doing so, it risks closing off theological dialogue and research prematurely, or worse, it might end up proposing as "central truths of the Christian faith" what is only theological opinion, even if it is the opinion of members of the Congregation for the Doctrine of the Faith. Even if the logic of the council documents seems to point in a particular direction, if the council did not give a definitive answer to a particular question, an acknowledgement of this by the congregation would both safeguard and encourage theological dialogue.

³³ See *Growth in Agreement: Reports and Agreed Statements of Ecumenical Conversations on a World Level*, ed. Harding Meyer and Lukas Vischer (New York: Paulist, 1984) 248–75.

³⁴ Walter Kasper, "Apostolic Succession in Episcopacy in an Ecumenical Context," *The Bicentennial Lecture*, ed. Rudi Ruckmann (Baltimore: St. Mary's Seminary and University, 1992) 1–16, at 12.

³⁵ David N. Power, "Roman Catholic Theologies of Eucharistic Communion: A Contribution to Ecumenical Conversation," *Theological Studies* 57 (1996) 587–610, at 609.

³⁶ Sullivan, "The Impact of *Dominus Iesus*" 11.