

NOTES ON MORAL THEOLOGY: ETHICS AND THE CRISIS IN THE CHURCH

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[The author provides a bibliographic study of recent publications concerning the scandal and the crisis in the Catholic Church. He focuses on three groups: priests (who are they?), the laity (how can they more fully participate in the life of the Church?), and bishops (what must they do to lead and govern more effectively?). The article concludes by looking at the need for both church structural reform and professional ethical training of church ministers, clerical and lay.]

THE FIRST SUSTAINED ANALYSIS on the “scandal” in the Catholic Church was Peter Steinfels’s perceptive and lucid *A People Adrift*, which sounded a clarion call for new forms of church leadership.¹ That summons was later substantiated by the National Review Board for the Protection of Children and Young People’s *A Report on the Crisis in the Catholic Church in the United States*.² These works have been accompanied by essays and

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¹ Peter Steinfels, *A People Adrift: The Crisis of the Roman Catholic Church in America* (New York: Simon and Schuster, 2003). See also, Paul R. Docecki, *The Clergy Sexual Abuse Crisis: Reform and Renewal in the Catholic Community* (Washington: Georgetown University, 2004); David Gibson, *The Coming Catholic Church: How the Faithful Are Shaping a New American Catholicism* (San Francisco: HarperSanFrancisco, 2003). Regarding the word “scandal,” see Daniel Harrington, “What Can We Learn from the Church in the New Testament,” in *The Catholic Church in the 21st Century*, ed. Michael Himes (Liguori, Missouri: Liguori, 2004) 6–8.

² The *Report* can be found at www.usccb.org/nrb (accessed October 15, 2004). For commentary on the *Report*, see Steinfels, “Sexual Abuse and the Church,” *Commonweal* 131 (March 26, 2004) 15–17; Andrew Greeley, “A Bad Day for

articles by theologians of every kind—systematicians, historians, canonists, and ethicists—recognizing that the scandal arose from what John O’Malley has called a “crisis of authority.” Speaking of church leaders, O’Malley wrote: “there was something amiss in the way they understood their jobs, something amiss in their consciences—*collectively*.” This crisis revealed “a widespread sense of systemic dysfunction” that was not limited regionally. As O’Malley noted, the first characteristic of this scandal was “its extent.”³

As I begin writing this segment of the Notes on Moral Theology, the newly arrived September 25, 2004 issue of *The Tablet* [London] provides no fewer than nine articles highlighting the pervasiveness of the crisis: Michael Kirwan’s study of religion and violence;⁴ Elena Curti’s account of an English parish unknowingly being assigned a priest with a history of abuse;⁵ and, Austen Ivereigh’s review of John Allen’s recent book on the Vatican.⁶ The same issue of *The Tablet* also reports on the scandal at an Austrian seminary and the frustration of Austrians over the Vatican’s non-confirmation of the resignation of Bishop Kurt Krenn;⁷ the Tuscon diocese becoming the second U.S. Roman Catholic diocese to file for bankruptcy;⁸ another instance of members of the U.S. hierarchy badgering Senator John Kerry, this time refusing to invite the third Catholic presidential candidate to attend the Memorial Dinner for the first Catholic presidential candidate;⁹ the formal accusation of two Peruvian bishops conspiring to discredit

Bishops,” *America* 190 (March 22, 2004) 8–9; Thomas Reese, “Facts, Myths and Questions,” *ibid.* 13–16; Katarina Schuth, “Seminaries and the Sexual Abuse Crisis,” *ibid.* 16–18.

³ John O’Malley, “The Scandal: A Historian’s Perspective,” *America* 186 (May 27, 2002) 14–17, at 15.

⁴ Michael Kirwan, “Violence at the Altars,” *The Tablet* [London] 258 (September 25, 2004) 4–5. See also, Matthias Beier, *A Violent God-Image: An Introduction to the Work of Eugene Drewermann* (New York: Continuum, 2004); Gerald A. Arbuckle, *Violence, Society, and the Church: A Cultural Approach* (Collegeville: Liturgical, 2004). On whether biblical images contributed to legitimating the sexual abuse of children, Andreas Mitchel gives a definitive “No!” in “Sexual Violence against Children in the Bible,” *The Structural Betrayal of Trust*, ed. Regina Ammicht-Quinn, Hille Haker, and Maureen Junker-Kenny, *Concilium* 2004/3 (London: SCM, 2004) 51–60.

⁵ Elena Curti, “A Parish Betrayed,” *The Tablet* 258 (September 25, 2004) 6–7.

⁶ Austen Ivereigh, review of “John L. Allen, Jr., *All the Pope’s Men: The Inside Story of How the Vatican Really Thinks* (New York: Doubleday, 2004) *ibid.* 20.

⁷ Chista Pongratz-Lippitt, “Austrian Catholics Baffled as Krenn Remains a Bishop,” *ibid.* 28.

⁸ Richard Major, “Tucson Diocese Follows Portland into Bankruptcy,” *ibid.* 29

⁹ Richard Major, “New York Diocese Snubs Senator Kerry,” *ibid.* 29–30. On Catholic politicians, see Joseph Cardinal Ratzinger, “Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life,” November 24, 2002, www.usccb.org/dpp/congregation.htm (accessed October 15, 2004); USCCB,

the Archbishop of Lima;¹⁰ the decision of the Cardinal Archbishop of Sydney, George Pell, to ban a lay group of Catholics from meeting on church property;¹¹ and, the first trial of a Rwandan priest formally accused of genocide.¹²

These nine essays hardly cover the crisis in all its complexity nor do they look systematically at the crisis and the models of authority at its roots. A new volume of the journal *Concilium* entitled *The Structural Betrayal of Trust* does just that.¹³ In that collection, theologians and other scholars examine the present crisis not simply as a phenomenon in the United States, but rather as a universal crisis within the entire Catholic Church. Moreover, the editors, Regina Ammicht-Quinn, Hille Haker, and Maureen Junker-Kenny, “theologians, women, and mothers,” observe that to date, church leaders, particularly the hierarchy, are not looking to examine and reform the structural problems that prompted the crisis in the first place. They write:

We cannot avoid the impression that here a problem is being ‘dealt with’: some procedures have been changed, but otherwise the fundamental questions are being avoided. These fundamental questions are questions about the structure of a church based on a hierarchy which cannot be questioned by ‘outsiders’ and which as a

“Catholics in Political Life,” (June 18, 2004), www.usccb.org/bishops/catholicsinpoliticallife.htm (accessed October 15, 2004). U.S. bishops take diverse positions in “Catholic and the Political Life,” *Origins* 34 (September 2, 2004) 185, 187–200. Also, John P. Beal, “Holy Communion and Unholy Politics,” *America* 190 (June 21–28, 2004) 16–18; Franz Jozef van Beeck, “Denying Communion to Politicians: A Theologian Explains Why It’s Wrong,” *Commonweal* 131 (June 4, 2004) 19–21; Raymond Burke, “Prophecy for Justice: Catholic Politicians and Bishops,” *America* 190 (June 21–28, 2004) 11–15; Germain Grisez, “Catholic Politicians and Abortion Funding,” *America* 191 (August 30–Sept. 6, 2004) 18–19; Gregory Kalscheur, “American Catholics and the State: John Courtney Murray on Catholics in a Pluralistic Democratic Society,” *America* 191 (August 2–9, 2004) 15–18; David Obey, “My Conscience, My Vote,” *America* 191 (August 16, 2004) 8–12; John O’Malley, “Excommunicating Politicians: Some Cautionary Tales from History,” *America* 191 (September 27, 2004) 7–11. See also the interview of Brian Johnstone in John Thavis, “Theologian Says Difficult to Judge Politicians Sinful over Abortion,” September 24, 2004, www.catholicnews.com/data/stories/cns/0405247.htm (accessed October 15, 2004).

¹⁰ Barbara Fraser, “Peruvian Bishops Accused of Forging Letters,” *The Tablet* 258 (September 25, 2004) 30–31.

¹¹ Mark Brolly, “Pell Bans Liberal Catholics from Meeting on Church Property,” *ibid.* 31.

¹² Murray White, “Rwandan Catholic Priest Stands Trial for Genocide,” *ibid.* 33–34.

¹³ *Structural Betrayal* (see n. 4 above).

result gives rise to structurally ‘appropriate’ mentalities—on the part of those who hold office and those who are dependent on them.¹⁴

Writing from Ireland, Enda MacDonagh echoes this stunning observation: “Where are we now, the community of Irish believers, the Irish Church? Still largely excluded from the process.” Darkly, he concludes with the observation: “humility is only painfully gained through humiliation.”¹⁵

In my segment of “Notes on Moral Theology,” I examine the crisis and the need for structural reform; I survey the literature about the crisis as commented on by theologians and other observers. These reflections generally focus on the Church’s three key constituencies: priests, laity, and bishops. However, each group is the subject of very different commentaries. About the clergy, in the light of the shocking revelations regarding some priests’ conduct, a predominant question arises: who are they really? About the laity, the question is rooted in the recognition of needed reform: how can they assume greater participation in church decision-making? Finally, about bishops, the literature focuses on needs for more collaborative modes and models of church governance. I conclude this review with a proposal to augment the pursuit for structural reform: to train bishops, clergy, and lay ministers in courses and programs designed to set standards for appropriate professional ethical conduct in the service of the Church and the world.

Before beginning, however, I must acknowledge that these contemporary investigations are indebted to the frequently cited works on the nature of the Church written or edited by systematic theologians such as Michael J. Buckley,¹⁶ Avery Dulles,¹⁷ Francis Schüssler Fiorenza,¹⁸ Elizabeth A. Johnson,¹⁹ Joseph A. Komonchak,²⁰ Cardinal Walter Kasper,²¹ and the

¹⁴ Ammicht-Quinn, Haker, and Junker-Kenny, “Postscript,” *ibid.* 131.

¹⁵ Enda MacDonagh, “A Shared Despair,” *The Furrow* 53 (May 2002) 259–62, at 261, 262.

¹⁶ Michael J. Buckley, *Papal Primacy and the Episcopate: Towards a Relational Understanding* (New York: Crossroad, 1998).

¹⁷ Avery Dulles, *Models of the Church* (expanded ed.; New York: Doubleday, 1987; orig. ed. 1974).

¹⁸ *Systematic Theology: Roman Catholic Perspectives*, ed. Francis Schüssler Fiorenza and John Galvin, 2 vols. (Minneapolis: Fortress, 1994).

¹⁹ *The Church Women Want: Catholic Women in Dialogue*, ed. Elizabeth A. Johnson (New York: Crossroad, 2002).

²⁰ *The New Dictionary of Theology*, ed. Joseph A. Komonchak, Mary Collins, and Dermot Lane (Wilmington, Del.: Michael Glazier, 1987).

²¹ Cardinal Walter Kasper, *Leadership in the Church: How Traditional Roles Can Help Serve the Christian Community Today* (New York: Herder and Herder, 2003).

late Catherine Mowry LaCugna²² as well as those by R. Scott Appleby,²³ Donald B. Cozzens,²⁴ Archbishop John R. Quinn,²⁵ and William Antonio and Dean Hoge.²⁶ Two new works may become, like these, frequently referenced: “a historical ecclesiology” by Roger Haight²⁷ and a brilliantly conceived, comprehensive “reader” offering more than 80 magisterial documents and theological essays on papal, episcopal, and synodal authority as well as the *sensus fidelium*, the theologians’ role, the development of doctrine, and reform in the Church.²⁸ Let me begin.

THE PRIESTS

Who are priests? The sociologist Sister Katarina Schuth comments that “in an effort to bring to life its various expressions, priests tell their own stories.”²⁹ These narratives are attempts for priests to convey transparently the lives they live.³⁰ Still, the ranks of the priesthood in the United States are notably diminishing in comparison to the dramatically increasing laity. Schuth reports: 50,229 priests in 1994 and 44,212 in 2004, an annual de-

²² *Freeing Theology: The Essentials of Theology in Feminist Perspective*, ed. Catherine Mowry LaCugna (New York: HarperCollins, 1993).

²³ Jay P. Dolan, R. Scott Appleby, Patricia Byrne, and Debra Campbell, *Transforming Parish Ministry: The Changing Roles of Catholic Clergy, Laity, and Women Religious* (New York: Crossroad, 1989).

²⁴ Donald B. Cozzens, *The Changing Face of Priesthood: A Reflection on the Priest's Crisis of Soul* (Collegeville: Liturgical, 2000); see also Cozzens, *Sacred Silence: Denial and the Crisis in the Church* (Collegeville: Liturgical, 2002).

²⁵ John R. Quinn, *The Reform of the Papacy: The Costly Call to Christian Unity (Ut unum sint)* (New York: Herder and Herder, 1999).

²⁶ William Antonio, James Davidson, Dean Hoge, and Katerine Meyer, *American Catholics: Gender, Generation, and Commitment* (Walnut Creek, Calif.: Alta-Mira, 2001).

²⁷ Roger Haight, *Christian Community in Continuity: A Historical Ecclesiology* (New York: Continuum, 2004).

²⁸ *Readings in Church Authority: Gifts and Challenges for Contemporary Catholicism*, ed. Gerard Mannion, Richard Gaillardetz, Jan Kerkhofs, and Kenneth Wilson (Burlington, Vt.: Ashgate, 2003).

²⁹ Katarina Schuth, “The State of the Priesthood in the United States,” *Louvain Studies* 30.1 (2005). Examples of this genre are: Francis P. Friedl and Rex Reynolds, *Extraordinary Lives: Thirty-Four Priests Tell Their Stories* (Notre Dame: Ave Maria, 1997); *Why I am A Priest: Thirty Success Stories*, ed. Lawrence Boadt and Michael J. Hunt (New York: Paulist, 1999); *Priesthood in the Modern World: A Reader*, ed. Karen Sue Smith (Franklin, Wisc.: Sheed and Ward, 1999); Secretariat for Priestly Life and Ministry, *Priests for a New Millennium: A Series of Essays on the Ministerial Priesthood by the Catholic Bishops of the United States* (Washington: USCCB, 2000); Michael S. Rose, *Priests: Portraits of Ten Good Men Serving in the Church Today* (Manchester, N.H.: Sophia Institute, 2003).

³⁰ For a new level of disclosure, Jane Anderson, *Priests in Love: Roman Catholic Clergy and Their Intimate Friendships* (New York: Continuum, 2005).

crease of 600. The laity grew from 59,858,042 in 1994 to 67,259,768 in 2004, an annual increase of more than 700,000. Worse still, some men leave shortly after ordination, giving as their main reasons loneliness and celibacy.³¹

To understand priests today, Schuth offers three relevant observations. First, the majority of priests love their ministry, a claim that Andrew Greeley also echoes.³² Greeley argues that contrary to pundits, priests are happy, but he adds that they are oblivious to the laity's dissatisfaction with their actual exercise of ministry: "priests are surprisingly insensitive to their laity Very few priests seem to sense that the laity are massively dissatisfied with the quality of priestly ministry (which indeed they are)."³³ Greeley also asserts the relative maturity of priests, contending "not that priests are paragons of maturity and personal well-being, but that they are not dissimilar from married laymen of comparable educational background."³⁴

Secondly, priests are deeply and negatively affected by the sexual abuse scandal. Schuth notes that 64 percent of priests disapprove of the way bishops handled allegations of child abuse and, when reflecting on the *Dallas Charter*, only 34 percent thought it fair, while 45 percent did not. The *Report* itself addresses the reaction that priests have of the *Charter*: "in the minds of some priests, the impression was created that the *Dallas Charter* and the *Essential Norms* were the bishops' attempt to deflect criticism from themselves and onto individual priests. . . . Priests, who now stand uneasily under a sword of Damocles, with their every action scrutinized, understandably may ask why the bishops do not face such consequences if they fail to abide by the Charter. This distinction has deteriorated the relationship between priests and bishop."³⁵

Finally, Schuth notes a division between younger and older priests which the canonist John Beal thinks is one of the most serious obstacles toward any attempt to bring in professional ethical training into church ministry.³⁶

³¹ From Dean R. Hoge, *The First Five Years of the Priesthood* (Collegeville: Liturgical, 2002) 26. See also Schuth, "The State of Theological Education in Seminaries," *America* 182 (January 29, 2000) 17–20.

³² Schuth takes this claim from Dean Hoge and Jacqueline Wenger, *Evolving Visions of the Priesthood* (Collegeville: Liturgical, 2003) and from a poll of 5,000 priests done in 2002 by *The Los Angeles Times*. The poll appears in Andrew Greeley, *Priests: A Calling in Crisis* (Chicago: University of Chicago, 2003) 133–49.

³³ Greeley, *Priests*, at 116, see also 56–59.

³⁴ *Ibid.* 35.

³⁵ The National Review Board, *Report on the Crisis* 56–60. For commentaries on the *Report*, see the articles cited above in n. 2.

³⁶ John P. Beal, "Turning pro: Theologico-Canonical Hurdles on the Way to a Professional Ethics for Church Leaders," in *Church Ethics and its Organizational*

Greeley adds that the division “may open up a serious rift in the priesthood.”³⁷

The division is founded on two differences, the first centers on how priests understand their priesthood. Commentators describe with different terms the two ways of understanding priesthood. Following Dean Hoge and Jacqueline Wenger, Katarina Schuth distinguishes between cultic and servant models of priesthood. Beal calls the former a preference for status; the latter, for function. Eamonn Conway distinguishes between the Tridentine *repraesentatio Christi* and Vatican II’s *repraesentatio ecclesiae*.³⁸

Donald Cozzens warns against the harm of polarizing the dyad of being at once a member of the faithful in need of ministry yet also a priest ordained to minister. The challenge for the priest is to guard his own integrity by a mature integration of the two.³⁹ That being noted, priests invariably prefer one dimension of their identity over another.

Dean Hoge and Jacqueline Wenger recently reported on clergy responses to the question: whether there is a new status or permanent character conferred by ordination? When they first asked that question in the year 1970, only 52% of those between the ages of 26 and 35, answered positively, while 88% of those between 56 and 65 did so. But today, 68% of those once young priests now between 56 and 65 responded affirmatively, while 95% of those between 26 and 35 did so. Thirty years ago, then, the younger the clergy was, the less inclined they were to be concerned with the so-called “status question”; today, however, the younger clergy is more inclined to recognize a “new status” than even the senior priests were at the end of Vatican II.⁴⁰

A second difference correlates with the first. Following James Provost, John Beal distinguishes between whether priests prefer curial or professional standards of procedural governance.⁴¹ Priests who privilege their ordained status generally prefer the world of the curial, much as their ordaining bishop often does. They are comfortable with bureaucracy, and they prefer not canon law as much as the executive or administrative judgments of the ordinary, including the handling of sexual abuse accusations against clergy.⁴² Those who prefer the servant or function model lean

Context, ed. Jean Bartunek, Mary Ann Hinsdale, and James Keenan (Lanham, Md.: Sheed and Ward, 2005).

³⁷ Greeley, *Priests* 84.

³⁸ Eamonn Conway, “Operative Theologies of Priesthood: Have They Contributed to Child Sexual Abuse?” *Structural Betrayal* 72–86.

³⁹ Cozzens, *Changing Face* 10–23.

⁴⁰ Hoge and Wenger, *Evolving Visions* 48–56 (see n. 32 above).

⁴¹ James Provost, “Toward a Renewed Canonical Understanding of Official Ministry,” *The Jurist* 41 (1981) 448–79.

⁴² On the dangers herein, see Beal, “Weathering the Perfect Storm: The Contri-

to the world of the professional where the norms of conduct are posted and expectations are clear. These who invoke canonical procedures for the priests accused are inclined to reform (or even overthrow) clerical culture itself.

These priests attribute to clericalism a causative role in the scandal. Michael Papesh, for instance, describes how clerical culture rebuffs openness, clarity, and mature responsibility regarding sexuality precisely as seminarians are being prepared for priesthood. He writes: "Yet the terrible reluctance of the clerical culture as a whole to engage matters of sexuality forthrightly and constructively is a grave impediment to ministry. It is intensified by Catholic moral teaching, fear and anxiety, undergirded by concerns for institutional preservation and self-protection. Consequently, realistic, wholesome and candid discussions of sexuality are silenced. Healthy, balanced formation of ordained ministers is hobbled. Sexuality, for many priests, becomes privatized, solemnized and darkened." He concludes: "Public and private accountability is thwarted."⁴³

Greeley agrees. "The problems in the priesthood come from neither celibacy nor homosexuality. The problems come rather from the iron law of denial and silence that clerical culture imposes on priests."⁴⁴ Likewise, Steinfels ties clericalism specifically to the scandal when he identifies three factors that made "serial abuse by priests less likely to come to light." "First, priest abusers and their superiors operated within an enclosed, self-protective clerical culture Second, priests moved from assignment to assignment without the open process of inquiry, interview, and evaluation that was characteristic of many other religious groups as well as professional appointments. Third, a powerful aura of being consecrated surrounded the Catholic priesthood."⁴⁵ That aura of the self-protective clerical culture made the questions of ethical responsibility and accountability apparently unnecessary.

Clericalism is not simply an American Catholic phenomenon. Seán Ó Conaill looks at the sex abuse scandal in Ireland and writes that the crisis was due "to the inherited Irish Catholic culture of clericalism—the placing

bution of Canon Law," in *Common Calling: The Laity and Governance of the Church*, ed. Stephen J. Pope (Washington: Georgetown University, 2004) 165–80; Hans-Jürgen Guth, "Sexual Abuse as an Offence in Canon Law," in *Structural Betrayal* 98–109.

⁴³ Michael Papesh, "Farewell to the Club," *America* 186 (May 13, 2002) 8–9; see also his *Clerical Culture: Contradiction and Transformation* (Collegeville: Liturgical, 2004). See also, Gibson, "Clericalism: The Original Sin," in *The Coming Catholic Church* 197–219.

⁴⁴ Greeley, *Priests* 104.

⁴⁵ Steinfels, *A People Adrift* 46.

of the priest upon a supreme pedestal of authority and morality.”⁴⁶ That pedestal is not only for Catholic clerics: Samuel Roberts narrates and explores the problem of an uncritical culture of deference toward the clergy within Protestant African American churches.⁴⁷

Not everyone names clericalism among the primary causes. Others blame homosexually oriented clergy. George Weigel, for instance, represents a number of others when he writes: “The monster of clergy sexual abuse had three heads. Homosexually-oriented priests, seemingly incapable of living the celibacy promised to God and the Church, abusing teenagers and young men committed to their care, form the largest of the three heads.”⁴⁸ Is this charge true?

John L. Allen, Jr., reported an interview with Dr. Martin Kafka, a member of a study group commissioned by the Vatican in its investigation into clergy sexual abuse. Quoting Kafka, Allen reports:

‘We described it [homosexuality] as a risk factor.’ . . . Kafka emphasized that this does not mean homosexuality causes sex abuse. ‘A risk factor is not a cause,’ he said. ‘The great predominance of homosexual males are in no way sexual abusers,’ Kafka said. ‘There is, however, a subgroup at risk.’ Kafka noted that since priests who abuse minors tend to perform most such acts within five to seven years after ordination, being recently ordained is another risk factor. That does not mean that being freshly ordained ‘causes’ abuse, any more than homosexuality.

Kafka then acknowledged the lack of information regarding pedophilia. Again Allen reports: “‘We don’t really know in a scientific way what the factors are’ that cause abuse, Kafka said. ‘We don’t have the evidence.’”⁴⁹ In light of the ignorance of such causes, several including psychologist J. A. Loftus, have argued the need for further research.⁵⁰

⁴⁶ Seán Ó Conaill, “The Real Scandal in Irish Catholicism,” *The Furrow* 53 (2002) 271–75, at 275.

⁴⁷ Samuel Roberts, “Virtue Ethics and the Problem of African American Clergy Ethics in the Culture of Deference,” in *Practice What You Preach: Virtues, Ethics, and Power in the Lives of Pastoral Ministers and Their Congregations*, ed. James F. Keenan and Joseph Kotva, Jr. (Franklin, Wisc.: Sheed and Ward, 1997) 128–40.

⁴⁸ George Weigel, *The Courage to Be Catholic* (New York: Basic Book, 2002) 20.

⁴⁹ John L. Allen, Jr., “Homosexuality a Risk Factor, Vatican Told,” *National Catholic Reporter* (April 18, 2003); www.natcath.com/crisis/041803n.htm (accessed October 15, 2004). Also, Jerry Filteau, “Understanding of Child Sex Abuse Has Evolved in Last 50 Years,” *Catholic News Service* (February 23, 2004). www.catholicnews.com/data/abuse/abuse15.htm (accessed October 15, 2004).

⁵⁰ John Allan Loftus, “What Have We Learned? Implications for Future Research and Formation,” in *Sin against the Innocents: Sexual Abuse by Priests and the Role of the Catholic Church*, ed. Thomas Plante (London: Praeger, 2004) 85–96. See also Nancy Scheper-Hughes and John Devine, “Priestly Celibacy and Child Sexual Abuse,” *Sexualities* 6.1 (2003) 15–40; Peter Adriaenssens, “Child Abuse: How Normal Development is Disturbed,” *Structural Betrayal* 31–39; Traci West, “The Factor

Regarding the issue of homosexuality itself, Barry McMillan warns against conflating homosexual orientation with pedophilia. He writes: "It should be clear by now that the relevant factor with regard to child sexual abuse is not sexual orientation, but is rather, the paraphilia (sexual deviation) of either paedophilia or ephebophilia." He reminds us that scapegoating homosexual priests not only does unjust harm to these priests, but it: "distracts and frustrates the emphasis from being properly focused on the development of responsible and necessary steps in preventing and dealing with clerical abuse now and in the future."⁵¹

Another issue concerning repressed homosexually oriented priests is raised by a variety of commentators. David Gibson argues that the "most destructive type of homosexual priest is the one who sees the priesthood as a means for repressing his orientation—a stratagem that backfires with spectacularly harmful results."⁵² The same concern is raised in Spain by Carlos Dominguez Moran who argues that clericalism seems to offer a deceptively "safe" though deeply problematic sanctuary for such repressive personalities.⁵³

Answering the question about who priests are in the United States does not identify priests throughout the world. Still, I think that Cozzens correctly named the most urgent issue that many clergy face: the need for a professional, ecclesial culture, that promotes or at least permits priests to discuss, address, and articulate honestly what actually constitutes the integrity of the priesthood and its attendant issues about procedures, priestly associations, celibacy, sexuality, accountability, leadership, better ministerial service, and other related issues.⁵⁴ For the sake of this yet to be developed culture, we should find hopeful those attempts to articulate the rights of priests today, so as to give them a more defined and empowered

of Race/Ethnicity in Clergy Sexual Abuse," *ibid.* 40–48. On the question of treatment and law, see Curtis C. Bryant, "Collaboration between the Catholic Church, the Mental Health, and the Criminal Justice Systems Regarding Clergy Sex Offenders," *Sin against the Innocents* 115–22; L. M. Lothstein, "The Relationship between the Treatment Facilities and the Church Hierarchy: Forensic Issues and Future Considerations," *ibid.* 123–38.

⁵¹ Barry McMillan, "Scapegoating in a Time of Crisis," *The Furrow* 53 (2002) 276–81, at 281. See Keenan, "Sex Abuse, Power Abuse," *The Tablet* 256 (May 11, 2002) 9–10.

⁵² Gibson, *The Coming Catholic Church* 191 (cf. n. 1 above).

⁵³ Carlos Dominguez Moran, "La homosexualidad en el sacerdocio y en la vida consagrada," *Sal terrae* 90 (2002) 129–40, at 134. See his extended study, "El debate psicológico sobre la homosexualidad," in *La homosexualidad: un debate abierto*, ed. Javier Gafo (Bilbao: Desclée de Brouwer, 1997) 13–95.

⁵⁴ One organization promoting this culture is the National Federation of Priests Councils, see: www.nfpc.org (accessed October 15, 2004).

basis: the canonical rights of due process⁵⁵ as well as the ethical ones regarding local governance, free standing associations, the exercise of ministry, and the expectation of fair treatment.⁵⁶

THE LAITY

Paul Lakeland, in *The Liberation of the Laity: In Search of an Accountable Church*, provides a significant, comprehensive foundation to secure the laity its role in the life of the Church.⁵⁷ This two-part work first looks backwards (“How we got to where we are?”) and then forward (“Where do we go from here?”). Lakeland builds on the theology of the notable French Dominicans (Chenu and Congar at Le Saulchoir) and Jesuits (Daniélou, de Lubac, and Bouillard) whom he calls “servant theologians.” After an appreciative study of Cardinal Suenens at Vatican II and a subsequent look at promulgated teachings from the Vatican over the past 20 years, Lakeland concludes that “the long pontificate of John Paul II has not been friendly to the vision of Vatican II” but has “tried to reassert a powerful centralized papacy.”⁵⁸

Looking forward, Lakeland argues that the dichotomy between the ordained living in the sacred world and the laity living in the secular one is false. The inseparability of the laity and the clergy moves him to consider the inseparability between the Church and the world. Returning to his insight on service, he stresses the mission of the Church as a “caritative diakonia,” and states that the “church and the world are inseparable because the work of the church is mission.”⁵⁹ For these reasons then he proposes that the secular is the proper location for the Church. In this way, Lakeland removes the foundation of the “single biggest problem bedevil-

⁵⁵ Avery Dulles, “The Rights of Accused Priests,” *America* 190 (June 21–June 26, 2004) 19–23. In innumerable interviews, Thomas Reese, the editor of *America*, has advocated due process.

⁵⁶ James Keenan, “The Ethical Rights of Priests,” *Touchstone* 20 (2004) 6, 19–20; “Framing the Ethical Rights of Priests,” *Review for Religious* (2005) forthcoming.

⁵⁷ Paul Lakeland, *The Liberation of the Laity: In Search of an Accountable Church* (New York: Continuum, 2002).

⁵⁸ *Ibid.* 112. Similarly, R. Scott Appleby writes: “the long pontificate of John Paul II has not been kind to lay ministry in the United States,” cited in “From Autonomy to Alienation: Lay Involvement in the Governance of the Local Church,” in *Common Calling* 87–107, at 103. See Greeley’s analysis of the promise of Vatican II and the Roman Curia’s resistance to it, *The Catholic Revolution: New Wine, Old Wine-skins, and the Second Vatican Council* (Berkeley: University of California, 2004). On the council’s legacy, Avery Dulles, “Vatican II: The Myth and the Reality,” *America* 188 (February 24, 2003) 7–11; John O’Malley, “The Style of Vatican II,” *ibid.* 12–15; O’Malley, “Vatican II: Official Norms,” *America* 188 (March 31, 2003) 11–14; Dulles, “Vatican II: Substantive Teaching,” *ibid.* 14–17.

⁵⁹ Lakeland, *Liberation of the Laity* 255.

ing both ecclesiology in general and theological reflection on the lay state in particular . . . the mystification of the Church.”⁶⁰

In a new essay, Lakeland furthers his claims, by arguing that the church crisis “is a structural Crisis in the church” and by explaining that the voice of the laity is integral to a solution of the crisis. The lengthy citation provides a summary of his argument:

The history of the church has shown a tension between the institutional and the charismatic, juridical and communion ecclesiologies, the principle of structure and the principle of life, Christology and pneumatology. This is unproblematic until serious imbalances arise, and when they do we have an ecclesiological crisis on our hands. . . . Oblivious to the role of the Spirit and the principle of life, in the name of defending faith, the institution has only defended itself. It has created a professional class, self-perpetuating and self-policing, insulated from the people by life-style and the possession of all executive and legislative authority. The evils of sexual abuse are a direct but epiphenomenal consequence of this bureaucratic blindness. But cultural forces cannot be indefinitely withstood, particularly not if they are of the Spirit. The increasingly loud voice of faithful, well-educated lay Catholics demanding a role in the church that, even when they are unaware of it, has a long historical pedigree and considerable theological justification would seem to be just such a Spirit-inspired initiative.⁶¹

Precisely to provide us with that “long historical pedigree and considerable theological justification,” Stephen J. Pope conceives and edits a robust and indispensable collection of essays on the laity and governance in the Catholic Church in *Common Calling*.⁶² Pope roots that common calling in the Vatican II insight that the laity share equally with the clergy in the priestly, prophetic, and kingly dignity of Christ (*Lumen gentium* nos. 7, 34–36). In this way, like Lakeland, he conceives the relationship between the clergy and laity without the dualistic distinction of the sacred and the secular, and he focuses instead on the equal dignity of baptism.⁶³ Turning to Richard Gaillardetz, Pope also notes that ordination does not remove the clergy from the obligations of that baptism. By sharing in the one baptism of Christ, a common calling finds common ground to transform the world.⁶⁴

Among the historical essays in Pope’s collection, the one by Francis Sullivan examines “an incomparable source of our knowledge about the life of the church in the third century”: the 82 letters of correspondence

⁶⁰ Ibid. 171.

⁶¹ Paul Lakeland, “Understanding the Crisis in the Church,” *Church Ethics*, forthcoming.

⁶² *Common Calling*, ed. Stephen Pope (see n. 42 above).

⁶³ Pope, “Introduction: The Laity and the Governance of the Church Today,” *ibid.* 1–22.

⁶⁴ Richard Gaillardetz, “Shifting Meanings in the Lay-Clergy Distinction,” *Irish Theological Quarterly* 64 (1999) 115–39.

from and to Cyprian, bishop of Carthage, one of the four major cities in the Roman Empire.⁶⁵ There we find that Cyprian described, defended, and publicly validated the election (including his own!) of the bishop as arising from the vote or verdict (*suffragio*) of the whole congregation; that Cyprian was obliged to explain and justify to the laity the appointment of clergy; and, that in the councils both in Rome and in Carthage, the faithful laity played an active, deliberative role. This “incontrovertible evidence” proves that “the genuine participation of the laity in decision making cannot be contrary to the nature of the church.”⁶⁶

Francine Cardman considers the general development of the *sensus fidelium* by the end of the second century, the emerging theological understanding of how the faith was handed on, and the critical role of the laity in the doctrinal controversies of the fourth century. She finds that “faith and its handing on within Christian communities existed long before the emergence of Episcopal office.” She concludes that “apostolicity is an attribute of the whole church—all believers, not just the bishops.”⁶⁷

Turning to the contemporary Church, one can begin to hear the voice of the laity arising from the pain and suffering of the crisis particularly from those who were the original victims of abuse. Their voices were ignored or silenced during the abuse, the cover-up, and even in their attempts to win a hearing from other lay people, but now those voices insist that this is a time to listen.⁶⁸

One movement organized precisely to articulate the roles of the laity by developing their voice is The Voice of the Faithful (VOTF).⁶⁹ Still their members, like many others, report remarkably frustrating accounts about how the leadership reacts to them. One of the most stirring observations comes from the Mexican Carmelite priest Camilo Macisse, president of the Union of Superiors General from 1994—2000, who notes the obstructionism of the Roman Curia: “[T]he heads of the Union of (Male) Superiors General (USG) and the International Union of (Female) Religious Superiors (UISG) have been trying, without success, to have an audience with

⁶⁵ Francis A. Sullivan, “St. Cyprian on the Role of the Laity in Decision Making in the Early Church,” in *Common Calling* 39–49, at 39.

⁶⁶ *Ibid.* 48.

⁶⁷ Francine Cardman, “Laity and the Development of Doctrine: Perspectives from the Early Church,” in *Common Calling* 51–69, at 61, 66.

⁶⁸ Marie Collins, “Breaking the Silence: The Victims,” in *Structural Betrayal* 13–19. See the Irish Bishops’ Committee on Child Protection commissioned report by Joseph McDonagh, “Time to Listen, Confronting Child Sexual Abuse by Catholic Clergy in Ireland,” (December 4, 2003): www.cps.dublindiocese.ie/printer_57.shtml (accessed October 15, 2004). For the “Survivors Network of Abuse by Priests,” [SNAP], see www.snapnetwork.org.

⁶⁹ James Post, “The Emerging Role of the Catholic Laity: Lessons from Voice of the Faithful,” in *Common Calling* 209–28.

John Paul II since 1995.” Besides describing the treatment of critical theologians (“actions against theologians almost always proceed violently”),⁷⁰ Macisse also depicts the Vatican Curia’s response to lay voices: “When some dare to criticize these authorities out of love of the Church and always in communion with it, they are threatened and condemned, accused of practicing a parallel teaching authority, a parallel pastoral action, or even of trying to create a pastoral Church.”⁷¹

Nothing indicates the problematic of the leadership’s inability to listen or dialogue more than the absence of women from church decision-making processes. Macisse highlights this issue when he accuses the curia of “patriarchal authoritarianism,” citing as evidence that in the preparation of the document *Verbi sponsa* not one of the 49 associations or federations of Discalced Carmelites was consulted. From the voices of women abused⁷² to religious women,⁷³ women theologians and lay leaders, we hear the very specific call to engage women to participate in the active governance of the Church.⁷⁴

Recent works, however, paint a bleak portrait about the matter: not only does the leadership seem unwilling to engage others in participatory decision-making, they seem incapable of dialoging even with their own colleagues!⁷⁵ Nonetheless, two attempts to prompt bishops toward fair and respectful dialogue are hopeful and noteworthy. Philip Murnion, who shepherded the Common Ground Initiative (CGI) and the National Pastoral Life Council helped articulate the *CGI’s* principles for dialogue.⁷⁶ Before

⁷⁰ See also, Dennis O’Brien, “Listen Up: Bishops Need to Hear Theologians Debate,” *Commonweal* 131 (September 10, 2004) 18–20.

⁷¹ Camilo Maccise, “La Violencia en la Iglesia,” *Testimonio* 200 (2003) 41–49 [in English: “Violence in the Church,” *The Tablet* 257 (November 22, 2003) 8–9].

⁷² Kathleen Sands, “Clergy Sexual Abuse: Where Are The Women?” *Journal of Feminist Studies in Religion* 19.2 (2003) 79–84.

⁷³ Anne Patrick, “‘His Dogs More Than Us’: Virtue in Situations of Conflict Between Women Religious and Their Ecclesiastical Employers,” in *Practice What You Preach* 293–314 (see n. 47 above).

⁷⁴ Lisa Sowle Cahill, “Feminist Theology and a Participatory Church,” in *Common Calling* 127–50.

⁷⁵ Gerard Mannion, “A Haze of Fiction: Legitimation, Accountability, and Truthfulness,” in *Governance, Accountability, and the Future of the Catholic Church*, ed. Francis Oakley and Bruce Russett (New York: Continuum, 2004) 161–74; Timothy Shilling, “When Bishops Disagree: Rome, Hunthausen, and the Current Church Crisis,” *Commonweal* 130 (September 12, 2003) 15–22; Shilling, *Conflict in the Catholic Hierarchy: A Study of Coping Strategies in the Hunthausen Affair, with Preferential Attention to Discursive Strategies* (Utrecht: Proefschrift Universiteit Utrecht, 2003); Kenneth E. Untener, “How Bishops Talk,” *America* 175 (October 19, 1996) 9–15. See also, Patrick Hannon, “Sexual Abuse of Children: Rules for the Debate,” *The Furrow* 54.2 (2003) 67–74.

⁷⁶ www.nplc.org/commonground/dialogue.htm (accessed October 15, 2004).

he died he wrote to the bishops of the United States, “If I were to sum up my final plea to you, it would be: ‘dialogue, dialogue, dialogue!’” He concluded: “Permit me, then, with the last breaths the Spirit gives me to implore you: Do not be afraid to embrace this spirituality of communion, this ‘little way’ of dialogue with one another, with your priests, with all God’s faithful.”⁷⁷

Finally, the themes of this section on the laity (apostolicity, communion in a shared baptism, mission, dialogue, and participation) are brought together in a recent *ad limina* address by Pope John Paul II to the U. S. bishops. There he recalled:

the need today for each bishop to develop ‘a pastoral style which is ever more open to collaboration with all’ (*Pastores Gregis*, 44), grounded in a clear understanding of the relationship between the ministerial priesthood and the common priesthood of the baptized (cf. *Lumen Gentium*, 10). This ecclesial communion also “presupposes the participation of every category of the faithful, inasmuch as they share responsibility for the good of the particular church which they themselves form” (*Pastores Gregis*, 44).

He added: “Within a sound ecclesiology of communion, a commitment to creating better structures of participation, consultation, and shared responsibility” should be seen “as an intrinsic requirement of the exercise of Episcopal authority and a necessary means of strengthening that authority.” Finally he set a clear normative standard, “Every act of ecclesial governance, consequently, must be aimed at fostering communion and mission.”⁷⁸

THE BISHOPS AND GOVERNANCE

Francine Cardman invites us to recognize how Catholics, when thinking of the Church, fall into a “default mode” and see it “as an unchanging, divinely willed institution that has always looked the way it looks now.” After examining the positions of Irenaeus, the apostolic sees, and the regional and ecumenical councils of the early Church, she writes: “From the beginning ‘the church’ was a dynamic, evolving, diverse movement—not a fully formed monolithic institution. Recognizing the mythic narrative of ecclesial origins for what it is allows us to engage the historical complexity and diversity of the Catholic Church. If its past is far more various than default ecclesiology imagines, its future may also be.”⁷⁹

⁷⁷ Philip Murnion, “Letter to the Bishops,” (August 17, 2003) at www.nplc.org/murnion/letter.htm (accessed October 15, 2004).

⁷⁸ Pope John Paul II, “Characteristics of the Bishops’ Apostolic Governance,” *Origins* 34 (September 30, 2004) 252–54, at 254.

⁷⁹ Francine Cardman, “Myth, History, and the Beginnings of the Church,” in *Governance* 33–48, at 33, 47. Likewise, Marcia Colish, “Reclaiming Our History:

From Cardman, Sullivan, and many others we find a variety of accounts of the interaction between the laity and their bishops in the early Church that stand as critical standards challenging present modes of governance. Sustaining their claims, Pheme Perkins seeks to disenfranchise the contemporary mode of leadership from using Paul as their model. She writes: “accustomed to the authoritarianism of today’s hierarchy, most Catholics presume that Paul exercised apostolic authority in the same way.”⁸⁰ By “leading from behind,” “the Suffering Apostle” not only “insists that apostolic authority is always constrained by the Gospel,” but he “refused to use social mechanisms either to establish his personal power or to prove the Gospel through flashy rhetoric (media and market savvy). Consequently even when he appears most dogmatic, regulating the conduct of women prophesying in the assembly (1 Cor 11.13–16), he uses rhetorical formulas that leave the matter open to communal discernment as long as the church is not split over the issue.”⁸¹ In light of this understanding Perkins asks: “Where then does God’s Spirit inform the church? In individuals who hold office at the top of a hierarchical structure. . .? Or as Paul’s pastoral practice suggests, in the community of the body of Christ. . .?”⁸²

If we apply these insights to the contemporary Church, we inevitably need to ask whether present modes and models of governance were causes of the crisis. The critiques of clerical culture as embodied in chanceries and the Vatican Curia suggests that the culture itself endangers the community of faith. If so, this culture must be replaced by one that finally prompts its leaders to accept responsibility and to acknowledge accountability for their (in)actions in the crisis, a point well made by Stephen Pope.⁸³ To establish this newer ecclesial culture, Richard Gaillardetz proposes, as a corrective heuristic, our social justice teachings to shape our administrative structures and practices.⁸⁴ Concretely, this proposal leads us to ask, how would these teachings apply to the decisions that church leaders make, for example, regarding finances⁸⁵ or parish reconfigurations.⁸⁶

Belief and Practice in the Church,” *ibid.* 62–75; Catherine Mooney, “What Can We Learn from the Medieval Church?” in *The Catholic Church in the 21st Century* 29–55.

⁸⁰ Pheme Perkins, “‘Being of One Mind’: Apostolic Authority, Persuasion, and *Koinonia* in New Testament Christianity,” in *Common Calling* 25–38, at 25.

⁸¹ *Ibid.* 28, 32.

⁸² *Ibid.* 36.

⁸³ Stephen Pope, “Accountability and Sexual Abuse in the United States: Lessons for the Universal Church,” *Irish Theological Quarterly* 69 (2004) 73–88; John Langan, “Cleaning up the Mess,” *The Tablet* 259 (October 25, 2003) 10–12.

⁸⁴ Richard Gaillardetz, “Ecclesiology and Church Reform,” *Church Ethics*, forthcoming.

⁸⁵ Francis Butler, “Financial Accountability: Reflections on Giving and Church

Other questions regarding the structures of governance move us to consider how we decide who the decision-makers should be. “We are dealing with a diminishment in credibility that is unparalleled in the history of the church in the United States,” writes Michael Buckley who offers four proposals for restoring that credibility.⁸⁷ First, “we must restore to the local church—and hence to the laity—a decisive voice in the selection of its own bishop . . . the selection of the local bishop should ordinarily be made by the local church and the regional bishops. This was certainly the practice of the church over much of its first millennium.” Buckley believes that were we “to follow this practice, we would get better bishops in greater numbers.” He adds: “It is simply scandalous to hear in diocese after diocese the local clergy voice their fears about who will be imposed upon them because he is well connected in Rome or recommended by a restorationist theology.”⁸⁸ Second, “The church should restore the *enduring* commitment of the bishop to his see.” Noting that the Council of Alexandria (A.D. 338) called a bishop who moved from one see to another “an adulterer,” Buckley insists that the “church should reaffirm strongly and effectively the ancient canonical prohibition that forbids a bishop’s leaving one see to obtain another.”⁸⁹ Third, “the church needs to restore or strengthen Episcopal conferences and regional gatherings of local bishops.”⁹⁰ Finally, “to counter the present excessive centralization within the church, certain institutions that may at one time have served a useful purpose need to be reconsidered and perhaps even abolished. . . . I think of such institutions, for example, as the College of Cardinals, the office of papal nuncio, the appointment as ‘bishops’ in the Roman curia of those who have no local church they administer, and even such honorific attachments to the papal court as ‘monsignor’.” He offers an example of such changes: “It might make better ecclesial sense—especially with the growing international position of the papacy—to have the pope elected by the Church of Rome and by representatives of various Episcopal conferences.”⁹¹

Buckley’s four reforms help us to think specifically outside the “default mode.” They allow us to imagine the Church as more local, yet still universal, and more participatory, yet still authoritative. His proposals lead, in turn, to asking whether the entire structure itself might be in need of

Leadership,” *Governance, Accountability* 153–60; Frederick Gluck, “Crisis Management in the Church,” *America* 189 (December 1, 2003) 7–9; Fred Naffziger, “Finances, A New Chapter,” *America* 187 (October 21, 2002) 17–19.

⁸⁶ Maurice Timothy Reidy, “Closing Catholic Parishes,” *Commonweal* 131 (September 10, 2004) 14–17.

⁸⁷ Michael J. Buckley, “Resources for Reform from the First Millennium,” in *Common Calling* 71–86, at 71.

⁸⁸ *Ibid.* 74.

⁹⁰ *Ibid.* 78.

⁸⁹ *Ibid.* 76.

⁹¹ *Ibid.* 80.

reform. Mary Jo Bane, for instance, proposes a “deliberative democratic model.” Here she is not suggesting that “the basic mission, values, beliefs, and constitution of the church are matters of voting. They are not. They are given to us by God; they command our assent and loyalty.” She adds: “What I am saying is that structures modeled on monarchies, which is what we have long had in the church are not the only possible models for collective decision making that is faithful to a heritage and mission that are not invented but given.”⁹² Bruce Russett suggests, however, a middle position between monarchy and democracy, which he takes from the late John Rawls, that is, “a decent consultation hierarchy.”⁹³ Inevitably each is asking us to consider the proper model for the right exercise of power in the Church.⁹⁴

Not surprisingly these models of governance are being proposed by new voices: VOTF’s president, James Post is a professor of management, Russett a political scientist, and Bane a professor of public policy and management. While some of the laity, like Cahill, Cardman, Lakeland, Perkins, and Pope write as accomplished theologians, others bring a competency that we have not yet engaged. Along with Bane, Post, and Russett, are Jean Bartunek,⁹⁵ Kimberly Elsbach,⁹⁶ C. R. Hinings,⁹⁷ and Richard Nielsen.⁹⁸ If we are to get out of this crisis with any integrity intact, these new voices will assuredly be part of the exit strategy and part of the healing and rebuilding project.

THE NEED FOR ETHICS IN THE CHURCH

Finally, leadership models and structural reforms aside, the Church needs to develop programs that instruct its pastors on the multitudinous ethical issues that are part of every day ecclesial life. In recent years,

⁹² Mary Jo Bane, “Voice and Loyalty in the Church: The People of God, Politics, and Management,” in *Common Calling* 181–93, at 185.

⁹³ Bruce Russett, “Monarchy, Democracy, or ‘Decent Consultation Hierarchy?’,” *Governance* 196–202; John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University, 1999) 45.

⁹⁴ Jan Kerkhofs, *Macht in de kerk: Democratie, gezag en leiderschap in de kerk van vandaag en morgen* (Lannoo: Tielt, 2003); Dietmar Mieth, “Die Kirche (Freiburg: Herder, 2001) 189–204; Peter Phan, “A New Way of Being Church: Perspectives from Asia,” *Governance, Accountability* 178–90 (see n. 75 above).

⁹⁵ Jean Bartunek, “The Sexual Abuse Scandal as Social Drama,” in *Church Ethics*, forthcoming.

⁹⁶ Kimberly Elsbach, “Looking Good vs. Being Good, Pitfalls of Maintaining Perceptions of Strong Leadership Following Organizational Scandals,” *ibid.*

⁹⁷ C. R. Hinings, “Organizational Morality,” *ibid.*

⁹⁸ Richard Nielsen, “Ethical Codes, Intervention, and Corruption Reform Methods for Ecclesial Professionals,” *ibid.*

Protestant ethicists such as Joseph Kotva,⁹⁹ Karen Lebacqz,¹⁰⁰ and others¹⁰¹ have written on the moral formation of pastors and their communities. Among Roman Catholics, Norbert Rigali,¹⁰² Kevin Kelly,¹⁰³ and Richard Gula¹⁰⁴ have become trailblazers by promoting instruction on “ethics in the Church” for seminaries and divinity schools.

Despite their efforts, most Roman Catholic clergy and bishops still receive little if any professional ethical training. Those who study at seminaries, divinity schools, or schools of theology, do not have the type of ethical training that those at other professional schools receive. Students at business, medical, or law schools take courses in ethics that address the issues relevant to their particular professions. They are taught the virtues, values, responsibilities, and rights specific to their profession: matters of representation, confidentiality, whistle-blowing, client expectations, privileges, promotions, evaluations, conflicts of interest, professional boundaries, etc.

This type of ethical training is generally not found at most seminaries, divinity schools, or schools of theology, even though many students take two, three, or four courses on Christian ethics. Divinity students and seminarians generally do not study the ethical demands, responsibilities, rights, obligations, and privileges specific to their vocation; rather, they study the ethical norms and relevant circumstances regarding the laity’s sexual relations and the attendant reproductive issues, the social ethics of governments and businesses, and the medical ethics of physicians and nurses. That is, those in ministry are taught how to govern and make ethically accountable the members of their congregations. But generally speaking they are not taught by what reasoning, insights, or norms, they should govern themselves ethically. A priest, therefore, knows much more about birth control and in vitro fertilization than he knows about the demands of confidentiality, the principle of subsidiarity, or the just treatment of employees.

Similarly, when seminarians study canon law, they learn more about

⁹⁹ *Practice What You Preach* (see n. 47 above).

¹⁰⁰ Karen Lebacqz and Ronald Barton, *Sex in the Church* (Louisville: Westminster John Knox, 1991); Karen Lebacqz and Shirley Macemon, “Vicious Virtue?: Patience, Justice and Salaries in the Church,” in *Practice What You Preach* 280–92; Karen Lebacqz and Joseph Driskill, *Ethics and Spiritual Care: A Guide for Pastors, Chaplains, and Spiritual Directors* (Nashville: Abingdon, 2000).

¹⁰¹ *Clergy Ethics in a Changing Society: Mapping the Terrain*, ed. James P. Wind, Dennis McCann and Russell Burck (Chicago: Park Ridge Center, 1991).

¹⁰² Norbert Rigali, “Church Responses to Pedophilia,” *Theological Studies* 55 (1994) 124–39.

¹⁰³ Kevin T. Kelly, *From a Parish Base: Essays in Moral and Pastoral Theology* (London: Darton, Longman and Todd, 1999).

¹⁰⁴ Richard Gula, *Ethics in Pastoral Ministry* (New York: Paulist, 1996); “The Wisdom of Boundaries: Power and Vulnerability in Ministry,” in *Practice What You Preach* 81–100 (see. n. 47 above).

whether a married couple can get an annulment than the rights and responsibilities incumbent on their own state in life. Ask a priest what he should do if his vicar says to him: "An accusation has been filed against you; I deem it credible; you have two hours to leave the rectory." Few would know what rights belong to him; but tell him that you want to marry a person who while belonging to another Christian denomination married a person in a non-Christian wedding but subsequently entered that denomination and then they both sought the blessing of a minister (of yet another denomination) and he will be able to explain to you whether and, if so, why your fiancé needs to file for an annulment.

Bishops, clergy, lay ministers, and religious educators learn a lot about how to govern others, but not about what pertains to themselves. In light of this fact, canonists¹⁰⁵ and moralists¹⁰⁶ claim that the crisis in the Church results not only from abusive priests, clericalism, and inept administrative structures that exclude the laity and ignore accountability, but also from the lack of critical course work that addresses the canonical and professional ethical formation of church ministers.¹⁰⁷

¹⁰⁵ Beal, "Turning pro" (see n. 36 above); see also Beal, "Weathering the Perfect Storm" (see n. 42 above). Elsewhere, Beal argues that a proper theology of canon law needs to support such training, "It Shall Not be So Among You!: Crisis in the Church, Crisis in Church Law," *Governance, Accountability* 88–102; Provost (see n. 41 above).

¹⁰⁶ James F. Keenan, "Practice What You Preach: The Need For Ethics in Church Leadership," *Annual Jesuit Lecture in Human Values*, Center for Ethics Studies: Marquette University, 2000; "The Heart of Virtuous Leadership," *The Trusted Leader: A Conference on Those We Follow* (Washington: FADICA, 2003) 13–22.

¹⁰⁷ On developing a professional ethics for clergy, see the discussions in *Church Ethics*: Francis J. Butler, "A Professional Code of Ethics Reflecting the Nature of a Christian Vocation and an Understanding of Leadership in the Church"; Daniel R. Coquillette and Judith A. McMorrow, "Toward and Ecclesiastical Professional Ethic: Lessons from the Legal Profession"; Gula, "A Professional Code of Ethics?"; and Keenan, "Toward an Ecclesial Professional Ethics." This volume, as already noted, is forthcoming.