

The Definitive Exercise of Teaching Authority

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Abstract

The author first explains that the pope and bishops exercise their teaching authority definitively and infallibly when they oblige the faithful to give their irrevocable adherence of faith to a revealed truth, or firmly to accept and hold a truth that is necessarily connected to revelation. He then discusses the replies that Joseph Ratzinger has given to the question whether John Paul II declared definitively and infallibly that the church has no authority to ordain women to the priesthood.

Keywords

Catechism of the Catholic Church, define (definitive, definitively), dogma, ecumenical council, faith and morals, indefectible (indefectibility), infallible (infallibility), irrevocable adherence, magisterium, response of faith, revelation, teaching authority

The teaching authority discussed in this article is what Catholics believe that the pope and the bishops in communion with him hold from Christ when they teach doctrine concerning faith and morals.¹ The nature of the response that Catholics are obliged to give to such authoritative teaching depends on the definitiveness with

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1. The Latin phrase rendered “doctrine concerning faith and morals” is *doctrinam de fide vel moribus*. The term *mores* has a broader meaning than “morals,” since it refers to “conduct” or “behavior.” However, since the church’s magisterium hardly ever exercises its teaching

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which the doctrine has been taught. Both the pope and the bishops can exercise their teaching authority in a nondefinitive way, but this article will focus on their definitive teaching.

My treatment of this question relies on three official sources, each of which makes an important contribution to the understanding of my topic: (1) the *Catechism of the Catholic Church* (CCC), (2) the documents of Vatican Councils I and II, and (3) the Code of Canon Law.

The Catechism of the Catholic Church

An authoritative description of the definitive exercise of teaching authority is given in the revised edition of the CCC no. 88:

The Church's Magisterium exercises the authority it holds from Christ to the fullest extent when it defines dogmas, that is, when it proposes in a form obliging the Christian people to an irrevocable adherence of faith, truths contained in divine Revelation or also when it proposes, in a definitive way, truths having a necessary connection with these.²

While the meaning of the Latin word *magisterium* is typically rendered "teaching authority," in modern Catholic usage it is also used of those who have teaching authority in the church, who, as in the above text, are often referred to as "the magisterium." The revised edition of the CCC corrects no. 88 by no longer saying that the response of faith is also to be given to truths proposed in a definitive way that are necessarily connected to revealed truth. The reason for this correction is that only revealed truths call for the response of faith.

The revised text does not describe the kind of response that must be given to those "necessarily connected" truths when they are definitively taught. Three years before the CCC appeared, the Holy See had published a new Formula for the Profession of Faith that, in the second paragraph following the Creed, required one making this Profession to say, "I also firmly accept and hold all those things concerning doctrine about faith or morals which are definitively proposed by the same Church."³ This paragraph left many theologians uncertain about the identity of "those things" that must be firmly accepted and held. The Congregation for the Doctrine of the Faith

authority in regard to human behavior unless morality is concerned, the translation "doctrine concerning faith and morals" is not inappropriate as a description of the object of that teaching authority. It is used in the standard translations of the object of papal infallibility as defined by the First Vatican Council in its Dogmatic Constitution *Pastor aeternus*.

2. CCC, <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catechism/catechism-of-the-catholic-church/epub/index.cfm>. All URLs cited herein were accessed April 18, 2014.
3. Congregation for the Doctrine of the Faith (hereafter CDF), Profession of Faith, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_1998_professio-fidei_en.html.

(CDF) subsequently explained that “those things” that must be firmly accepted and held are “truths concerning faith and morals which, even if not divinely revealed, are nevertheless strictly and intimately connected with Revelation.”⁴ To “firmly accept and hold” is evidently the response the CCC would require when such truths are definitively proposed by the magisterium.

The CCC offers an enlightening explanation of the relationship between the ability of the pope and the college of bishops to exercise their teaching authority in a definitive way and the gift of infallibility with which they are endowed in so doing. This explanation is given in its glossary, which describes infallibility as

the gift of the Holy Spirit to the Church whereby the pastors of the Church, the pope and bishops in union with him, can definitively proclaim a doctrine of faith or morals for the belief of the faithful. This gift is related to the inability of the whole body of the faithful to err in matters of faith and morals.⁵

This makes it clear that it is the gift of infallibility that enables the pope and the bishops in union with him to proclaim doctrine definitively for the belief of the faithful. To put it negatively, the magisterium would not be able to proclaim doctrine definitively unless it had the divine gift of infallibility in doing so. The reason why this is true is suggested by the final sentence of the description of infallibility given by the CCC: “This gift is related to the inability of the whole body of the faithful to err in matters of faith and morals” (CCC glossary).

When the pope and bishops in union with him exercise the teaching authority they hold from Christ to the fullest extent, either by defining a dogma or by proposing in a definitive way a doctrine that is necessarily connected with revealed truth, they thereby oblige the faithful to give their definitive assent to that truth. If the truth is revealed, the assent must be an irrevocable adherence of faith; if the truth is necessarily connected with revealed truth, the assent is not one of faith, but is a definitive assent of one’s mind to the proposition as true. The obligation of the whole body of the faithful to give their definitive assent to what is taught definitively by the magisterium, along with the inability of their whole body to err in matters of faith and morals, explains why the pope and college of bishops are given the divine gift of infallibility in their definitive teaching on matters of faith or morals. The inability of the faithful as a whole to give their definitive assent to erroneous doctrine is a consequence of the indefectibility of the church in its faith, which is guaranteed by the Lord’s assurance that “the gates of hell will not prevail against it” (Mt 16:18).

4. Instruction *Donum veritatis* on the Ecclesial Vocation of the Theologian no. 23, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html.

5. CCC glossary, <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catechism/catechism-of-the-catholic-church/epub/index.cfm>.

The presence of three articles on infallibility in a recent issue of *Theological Studies* would indicate that much more is to be said on that topic.⁶ But I have chosen to devote this study to the definitive exercise of teaching authority in the church, concerning which I am convinced that a number of questions need to be discussed. The importance of the definitive exercise of teaching authority is already evident from the fact that the response the faithful must give to the pope and the college of bishops when they proclaim doctrine definitively is the reason why they are endowed with the divine gift of infallibility in such teaching.

Reflection on this fact leads to another question: why is it so important or even necessary for the pope and the bishops to have the authority to teach doctrine definitively and thus infallibly? The answer to this question is suggested by the history of the councils known as ecumenical. Great numbers of bishops were summoned to those councils when the unity of the church in the profession of the true faith was being threatened by the propagation of a doctrine that many judged to be heretical. When gathered in the council, the bishops had first to reach a consensus, through a study of Scripture and tradition, as to the correct understanding of the faith handed down from the Apostles. The bishops were confident that in reaching that consensus they would be guided by the Holy Spirit. Then they had to present the true doctrine to the whole church in such a way as to bring about the unity in faith that had been endangered by the heresy. To accomplish that purpose, it was necessary that the council exercise its teaching authority in a definitive way, such as by formulating the Creed with which all the faithful would henceforth be obliged to profess their faith.

Vatican Councils I and II

Relying on what has been said thus far, one could name two subjects capable of teaching a doctrine of faith or morals definitively, and thus infallibly: the pope and the college of bishops when gathered with him in an ecumenical council. But in the formula with which Vatican I defined the dogma of papal infallibility, it also named the church as a subject capable of defining doctrine with infallibility. There it said that when the Roman pontiff defines a doctrine concerning faith or morals to be held by the whole Church, he possesses that infallibility which the divine Redeemer willed his church to enjoy in defining doctrine concerning faith or morals.⁷ It is important to know how this is to be understood. While the whole church as the “People of God” is indefectible in its faith, it can hardly be said to define doctrine, which is a specific exercise of teaching authority. But the bishops at Vatican I would have been familiar with the term “the

6. See Mark E. Powell, “The ‘Patient and Fraternal Dialogue’ on Papal Infallibility: Contributions of a Free-Church Theologian,” with comments by John T. Ford, “Infallibility—Terminology, Textual Analysis, and Theological Interpretation”; and Gerard Kelly, “The Roman Catholic Doctrine of Papal Infallibility,” *Theological Studies* 74 (March 2013) 105–18; 119–28; 129–37.

7. Norman P. Tanner, S.J., ed., *Decrees of the Ecumenical Councils*, 2 vols. (Washington: Georgetown University, 1990) 2:816 (hereafter Tanner).

teaching church,” which was often used in the 19th century to refer to what is now called “the magisterium.” Hence, when the bishops at Vatican I named “the church” as a subject capable of defining doctrine with infallibility, one can presume that they meant “the teaching church,” that is, the bishops gathered with the pope in an ecumenical council.⁸

The history of Vatican I gives us good reason to believe that, taking the infallibility of ecumenical councils in defining a doctrine of faith and morals to be a truth universally held, the bishops chose not to attempt at that time to settle further questions about infallible papal teaching, such as about the limits of its object, but simply to describe papal infallibility as that which the church has in defining doctrine.⁹ While the Second Vatican Council did not define any doctrine, it did teach that the bishops infallibly proclaim the teaching of Christ when they are gathered together in an ecumenical council, that they are the teachers and judges of faith and morals for the whole church, and that their definitions must be adhered to with the obedience of faith.¹⁰

The Code of Canon Law

The revised Code of Canon Law promulgated in 1983 by Pope John Paul II clearly expresses what has been said thus far about definitive teaching, with an added provision. Its canon 749 declares:

1. By virtue of his office, the Supreme Pontiff possesses infallibility in teaching when as the supreme pastor and teacher of all the Christian faithful, who strengthens his brothers and sisters in the faith, he proclaims by definitive act that a doctrine of faith or morals is to be held.
2. The college of bishops also possesses infallibility in teaching when the bishops gathered together in an ecumenical council exercise the magisterium as teachers and judges of faith and morals who declare for the universal Church that a doctrine of faith or morals is to be held definitively. . . .
3. No doctrine is to be understood as defined infallibly unless this is manifestly evident.

8. The reason for defining papal infallibility as that which the church has in defining doctrine was given by Bishop Vinzenz Gasser, spokesman for the Deputatio de Fide, in the report he gave to the council on July 11, 1870, where he explained each term in the definition of papal infallibility. The full text of his report was published in English translation in *The Gift of Infallibility: The Official Relatio on Infallibility of Bishop Vincent Gasser at Vatican Council I*, trans. and comm. James T. O'Connor (Boston: Pauline, 1986). The passage to which I refer is on p. 77.

9. See Joannes Dominicus Mansi, “Congregatio generalis octagesima quarta, 11 July, 1870,” in *Sacrorum conciliorum nova et amplissima collectio . . .*, 58 vols. in 54 (Paris: H. Welter: 1901–27) coll. 1200–31, at 1226.

10. See *Lumen gentium* no. 25, Tanner 2:869.

Part 3 of this canon suggests two questions: (1) What must be “manifestly evident” in order for a doctrine to be understood as infallibly defined? and (2) Who is best qualified to judge whether it is “manifestly evident” that a doctrine has been infallibly defined?

My answer to the first question turns on the meaning of the word “this” in part 3 of the canon. I take “this” to mean that it must be manifestly evident from the way the pope or the college of bishops gathered in council with the pope expressed their judgment, that they were exercising their teaching authority to the fullest extent by defining a doctrine or proposing it in a definitive way and obliging the faithful to give it their definitive assent.

I believe that the answer John Henry Newman would have given to my second question is “the theological school,” which today would mean “the consensus of Catholic theologians.” As an example of something approaching such a consensus, I propose the common understanding among Catholic theologians that Vatican II did not define any doctrine. However, an individual Catholic theologian might feel competent, or be called upon by reason of his or her office, to express his or her judgment whether a doctrine has been taught definitively. For instance, the prefect of the CDF might be called on to present a papal statement to the press and answer the question whether the pope has defined a doctrine or decided it in a definitive way.

Application to a Particular Instance of Papal Teaching

I continue this study of definitive teaching by applying what has been said thus far to a particular instance of papal teaching, and to the judgments expressed by an eminent theologian as to whether it was an example of definitive teaching. I refer to the declaration by Pope John Paul II in his Apostolic Letter *Ordinatio sacerdotalis* (“On Reserving Priestly Ordination to Men Alone”), and to the judgments expressed by Cardinal Joseph Ratzinger and then by Pope Benedict XVI concerning its definitiveness. John Paul II declared:

Wherefore, in order that all doubt may be removed regarding a matter of great importance, a matter which pertains to the Church’s divine constitution itself, in virtue of my ministry of confirming the brethren (cf. Lk 22:32) I declare that the Church has no authority whatsoever to confer priestly ordination on women and that this judgment is to be definitively held by all the Church’s faithful.¹¹

This Apostolic Letter was published on May 22, 1994, and was then presented to the press by Ratzinger as prefect of the CDF. To the question whether John Paul II had in this Apostolic Letter defined the doctrine that the church has no authority whatsoever to ordain women to the priesthood, Ratzinger replied that he did not do so.¹² On

11. John Paul II, *Ordinatio sacerdotalis* no. 4, http://www.vatican.va/holy_father/john_paul_ii/apost_letters/1994/documents/hf_jp-ii_apl_19940522_ordinatio-sacerdotalis_en.html.

12. This reply appears in the article referenced in n. 13 below.

June 29 of that year, the English edition of *L'Osservatore Romano* contained an article entitled, "The Limits of Church Authority: Cardinal Ratzinger Comments on the Letter *Ordinatio Sacerdotalis*." On the binding nature of the letter Ratzinger concludes:

It is explicitly stated that what is affirmed here must be definitively held in the Church, and that this question is no longer open to the interplay of differing opinions. Is this therefore an act of dogmatizing? Here one must answer that the Pope is not proposing any dogmatic formula, but is confirming a certainty which has been constantly lived and held firm in the Church. In the technical language one should say that here we have an act of the ordinary Magisterium of the Supreme Pontiff, an act therefore which is not a solemn definition *ex cathedra*, even though in terms of content a doctrine is presented which is to be considered definitive. In other words, a certainty already existing in the Church, but now questioned by some, is confirmed by the pope's apostolic authority. It has been given a concrete expression which also puts in a binding form what has always been lived.¹³

Ratzinger therefore judges that the pope's declaration that the church has no authority whatsoever to confer priestly ordination on women was an act of the ordinary magisterium of the supreme pontiff. The declaration was therefore an authoritative but non-definitive and therefore non-infallible exercise of papal teaching authority. One might observe that the declaration would participate in the infallibility of the ordinary universal magisterium if all the Catholic bishops were likewise teaching the faithful to hold that the church has no authority to ordain women to the priesthood.¹⁴

The following year, in a document entitled *Responsum ad dubium* ("Response to a Doubt"), the CDF claimed that the bishops agreed in teaching that doctrine. The "doubt" was whether the teaching that the church has no authority whatsoever to confer priestly ordination on women is to be understood as belonging to the deposit of faith. The response was, "In the affirmative."

In both instances where the Vatican's English translation says that this doctrine "belongs to" the deposit of faith, the original Latin has *pertinent ad*. To say that a doctrine belongs to the deposit of faith means that it is contained in that deposit—that it is a revealed truth. The Latin term *pertinent ad* is most often translated "pertains to" or "is related to" (the deposit of faith). The "Commentary on the Final Paragraphs of the Profession of Faith" signed by Cardinal Ratzinger and Archbishop Tarcisio Bertone, prefect and secretary of the CDF respectively, describes the doctrine that the church has no authority to ordain women to the priesthood as belonging to the second of those paragraphs of the Profession of Faith; this means that they judged the doctrine to be necessarily connected with revealed truth, but not in itself revealed.¹⁵ The Vatican's English translation of *Responsum ad dubium* should say "pertains to," not "belongs to."

13. *L'Osservatore Romano*, English edition, June 29, 1994, p. 7.

14. Vatican II, *Lumen gentium*, no.25, Tanner 2:869.

15. CDF, "Commentary on Profession of Faith's Concluding Paragraphs," *Origins* 28 (1998) 116–19.

The document then gave the following reason why that doctrine requires definitive assent:

The teaching that the Church has no authority whatsoever to confer priestly ordination on women . . . requires definitive assent, since, founded on the written Word of God, and from the beginning constantly preserved and applied in the Tradition of the Church, it has been set forth infallibly by the ordinary and universal Magisterium. Thus, in the present circumstances, the Roman Pontiff, exercising his proper office of confirming the brethren (cf. Lk 22; 32), has handed on this same teaching by a formal declaration, explicitly stating what is to be held always, everywhere and by all, as belonging to the deposit of faith.¹⁶

Cardinal Ratzinger, prefect of the CDF, signed this document, and Pope John Paul II approved it in the ordinary way. The document makes it clear that the reason why the doctrine that the church has no authority whatsoever to confer priestly ordination on women must be held definitively is that the ordinary universal magisterium, that is, the whole body of Catholic bishops with the pope, had taught this doctrine infallibly.

Thus Ratzinger made two statements while he was prefect of the CDF: the first was made in his comments on *Ordinatio sacerdotalis* and was published in *L'Osservatore Romano* on June 24, 1994; the other was made in the document *Responsum ad dubium* of the CDF, which he signed as prefect of the CDF on October 28, 1995. These statements confirm his judgment that John Paul II's declaration in *Ordinatio sacerdotalis* that the church has no authority whatsoever to ordain women to the priesthood is to be held definitively by all the church's faithful was an exercise of the pope's ordinary, non-infallible magisterium, which, however, participated in the infallibility of the ordinary universal magisterium.

New questions about this judgment have been raised recently in view of a statement that retired Bishop William Morris of Toowoomba, Australia, released explaining the reason for his removal from office. An editor of the *National Catholic Reporter*, Tom Roberts, who took part in a public discussion with Morris on May 8, 2011, reported that during that discussion, Morris read a statement from a letter he said he had received from Pope Benedict XVI, in which the pope said that his predecessor John Paul II had decided infallibly and irrevocably that the church has no authority to ordain women to the priesthood.¹⁷

The same statement, using equivalent terms, is found in a letter published by Gianluigi Nuzzi in his book *Sua Santità: Le carte segrete di Benedetto XVI (His Holiness: The Secret Papers of Benedict XVI)*. A copy of this letter was one of the documents taken

16. CDF, *Responsum ad propositum dubium* concerning the Teaching Contained in "*Ordinatio sacerdotalis*," http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19951028_dubium-ordinatio-sac_en.html.

17. The *National Catholic Reporter* for May 27, 2011, on pages 1 and 10, has an article by its Washington correspondent Jerry Filteau entitled "Complex Questions of Infallibility," in which he quotes this statement that Bishop Morris had read during a national radio interview, from a letter he said he had received from Pope Benedict XVI.

from the pope's study by his butler and then published by Nuzzi. A highly respected Catholic journal, the *Tablet*, using Nuzzi's book as its source, quoted part of this letter addressed by Pope Benedict XVI to Cardinal Giovanni Battista Re, prefect of the Congregation for Bishops, suggesting what he should say in the letter he was drafting to be sent to Bishop Morris about the reasons for his removal from office. The passage quoted by the *Tablet* includes the following statement in the pope's letter:

In fact, in his pastoral letter—in addition to pastoral proposals that are highly questionable—there are at least two proposals that are incompatible with the doctrine of Catholic faith. The letter says one could even start ordaining women to overcome the priest shortage. But the Holy Father John Paul II decided in an infallible and irrevocable way that the Church does not have the right to ordain women to the priesthood.¹⁸

We now have reason to think that Pope Francis has come to know the present judgment of Benedict XVI on this question and has made it his own. During the return flight from Brazil after the celebration of World Youth Day, Francis spent 80 minutes answering questions of journalists who accompanied him on that flight. Federico Lombardi, S.J., the Vatican spokesman, recorded that unscheduled press conference, which was conducted in Italian. The text of the Vatican translation of the transcript of this recording has been published in *Origins*.¹⁹ Here are two of those questions and the pope's replies.

Journalist Pablo Ordas asked, "We would like to know about your working relationship, not just your relationship of friendship but that of collaboration, with Benedict XVI. There has never been a situation like this before, and whether you are frequently in contact and if he is helping you in this work." After speaking of his great affection and esteem for Benedict XVI, Francis replied to the latter part of the question:

Now he is living in the Vatican, and there are those who tell me, How can this be? Two popes in the Vatican! Doesn't he get in your way? Isn't he plotting against you? All these sorts of things, no? I have a good answer for this. It's like having your grandfather in the house, a wise grandfather. When families have a grandfather at home, he is venerated, he is loved, he is listened to. . . . If I have a difficulty, or something I don't understand, I can call him on the phone: "Tell me, can I do this?" When I went to talk with him about that big problem, Vatileaks, he told me everything with great simplicity, to be helpful.²⁰

Journalist Ana Ferreira then asked, "What do you think about women's ordination? What should our position in the church be like?" Francis answered, "As far as women's ordination is concerned, the church has spoken and said no. John Paul II said it, but with a definitive formulation. That door is closed."²¹

18. *Tablet*, June 9, 2012, p. 6.

19. "World Youth Day 2013: Inflight Press Conference, Pope Francis," *Origins* 53 (2013) 199–206.

20. *Ibid.* 204.

21. *Ibid.*

In light of those two replies, I venture to suggest that it was by asking him about women's ordination that Francis came to know and accept Benedict XVI's present judgment that John Paul II had declared definitively that the church could not ordain women to the priesthood. If that is the case, it would confirm the reports mentioned above, indicating that while Benedict XVI was still in office as pope, he made such a statement in his letter to Bishop Morris.

It is surely remarkable that during the two decades after the publication of *Ordinatio sacerdotalis*, Joseph Ratzinger, first as cardinal and then as pope, gave three different answers to the question whether Pope John Paul II was teaching definitively when he declared that the church has no authority whatsoever to ordain women to the priesthood, and that this doctrine is to be held definitively by all the faithful. To my knowledge Ratzinger/Benedict XVI has not published any reason for moving from one answer to the next, but I will suggest reasons why he might have abandoned the first and second answers.

His first answer was that this was an exercise of the pope's ordinary magisterium. This is authoritative but not definitive, and as such would not require that the faithful give it their definitive assent. His second answer was that it must be held definitively because it was taught infallibly by the ordinary universal magisterium. But the infallibility of that teaching would have depended on the agreement of all the Catholic bishops with the pope in teaching that doctrine even before he declared his judgment about it in *Ordinatio sacerdotalis*. His answer as Pope Benedict XVI is that the doctrine was taught definitively and infallibly by his predecessor. To my knowledge he has not explained the grounds on which he based this judgment.

I have offered reasons that might have led Benedict to abandon his first two answers. I now consider what might have led him to give his present answer to the question. He might have focused on two declarations by John Paul II, namely, (1) that the church has no authority to ordain women to the priesthood, and (2) that this judgment is to be held definitively by all the faithful. Benedict may have been persuaded by the argument that when a pope declares a doctrine and obliges all the faithful to hold it definitively, he thereby declares it definitively. He may have noticed how well John Paul II's statement in *Ordinatio sacerdotalis* corresponds to the example given in canon 749.2 of an infallible statement made by an ecumenical council: "The college of bishops also possesses infallibility in teaching when the bishops gathered in an ecumenical council exercise the magisterium as teachers and judges of faith and morals who declare for the universal Church that a doctrine of faith or morals is to be held definitively." I see correspondence between John Paul II's declaration that the church has no authority to ordain women to the priesthood and canon 749.2: without using such a term as "I define," the pope has expressed his intention to teach this doctrine definitively by declaring that this judgment "must be definitively held by all the Church's faithful." So I have to agree with Benedict XVI's judgment, that when John Paul II declared that the church has no authority to ordain women to the priesthood, and then called on the faithful to hold that judgment definitively, he expressed his intention to settle that question definitively.

Benedict, however, is reliably reported to have said that his predecessor had settled that question “definitively and infallibly.” And while I agree that John Paul II spoke in a definitive way, I cannot satisfy my mind that the grounds on which he based his judgment that the church has no authority to ordain women to the priesthood provide the certainty that one expects an infallible judgment to have. So at this point I will explain why I do not agree with Benedict’s opinion that his predecessor had settled the question of the priestly ordination of women infallibly.

I have not been able to agree with the argument John Paul II stressed in *Ordinatio sacerdotalis* and clearly regarded as decisive, namely, that by choosing only men as members of the Twelve, Jesus revealed his intention that the church should not ordain women to the priesthood, and thus gave it no authority to do so. My first reason for being unable to agree with that argument is the nature of the task that Jesus surely had in mind for the Twelve when he chose them, and that he gave to them just before he ascended to Heaven, saying, “You will receive power when the holy Spirit comes upon you, and you will be my witnesses in Jerusalem, throughout Judea and Samaria, and to the ends of the earth” (Acts 1:8, NAB). Given the nature of that mission, I do not doubt that the reason Jesus chose only men for the Twelve was that they should all be respected as reliable witnesses. It would have made no sense for him to include women among those who were to be his primary witnesses, at a time and in a culture when women were not considered reliable witnesses. Evidence that this culture affected the judgment of Jesus’ apostles regarding the reliability of the testimony even of women whom they knew well is seen in Luke 24:10–11, where Luke tells us that when Mary Magdalene and some other women went on Easter morning to the tomb where Jesus had been buried, they were told by two angels that Jesus had been raised from the dead, but when they told this to the apostles, “their story seemed like nonsense and they did not believe them.” They would hardly have dismissed the women’s report as nonsense if they had regarded them as reliable witnesses.

However long this negative judgment about the reliability of women as witnesses continued to prevail, it has certainly not continued to prevail in modern culture, where women play important roles in law courts, not only as respected witnesses, but also as judges. That makes it clear that there is no logical connection between the true reason why Jesus chose only men for the Twelve and the question whether, in the modern world, the Catholic Church must continue to exclude women from ordination to the priesthood. In *Ordinatio sacerdotalis* John Paul II insists that Jesus was not influenced by aspects of his culture in choosing only men as members of the Twelve. But his argument is based on the freedom with which Jesus dealt with women, which certainly differed from what was expected of rabbis in his time. It did not take into account the denial of the reliability of women as witnesses that marked the culture of Jesus’ day, which would have made his inclusion of women among the Twelve contradict what surely was his reason for choosing only men.

Another New Testament passage that throws light on the choice of men as witnesses to Jesus’ resurrection is the speech Peter gave between Jesus’ ascension and Pentecost to a gathering of about 120 “brothers” concerning the choice of a successor to Judas. There Peter said, “Therefore it is necessary that one of the men who

accompanied us the whole time the Lord Jesus came and went among us, beginning from the baptism of John until the day on which he was taken up from us, become with us a witness to his resurrection” (Acts 1:21–22, NAB). Peter’s words make it clear that just as Jesus had chosen only men to be his “witnesses in Jerusalem, throughout Judea and Samaria, and to the ends of the world” (Acts 2:8), so those eligible to be chosen to take Judas’s place among the Twelve would have to be men who had been with them in Jesus’ company during the whole of his public ministry, and thus would be just as well qualified as they were to be witnesses to his resurrection. The text gives us no reason to think that Peter, when he mentioned only men as eligible, understood Jesus to have had any other intention than that those he chose for the Twelve would be respected as reliable witnesses.

I have now explained why, on the one hand, I came to the conclusion that John Paul II expressed his intention to speak definitively when he declared not only that the church has no authority to ordain women to the priesthood, but that this teaching is to be definitively held by all the church’s faithful. On the other hand, I have also explained why I could not agree that the grounds on which John Paul II based his judgment provide the certainty that a doctrine must have for a pope to declare it infallibly. At that point I had to admit that in agreeing that John Paul II intended to speak definitively, and in disagreeing with Benedict XVI’s judgment that his predecessor had settled the question of the ordination of women to the priesthood infallibly, I have put myself into an awkward position for a Catholic theologian.

So I asked myself whether in my reading of the works of other Catholic theologians I had ever run across a solution to the problem I was facing. Incredible as this may seem, it was none other than Joseph Ratzinger who provided the solution—in something he wrote when he was a young theologian, and which I had quoted 30 years ago in my book *Magisterium: Teaching Authority in the Catholic Church*.²² In an essay that Ratzinger included in a collection of his essays published in 1969, he spoke of the possibility that a seemingly definitive papal pronouncement could be criticized if it lacked the grounds on which a definitive doctrinal statement would have to be based:

Criticism of papal pronouncements will be possible and even necessary to the degree that they lack support in Scripture and the Creed, that is, in the faith of the whole Church. When neither the consensus of the whole Church is had, nor is clear evidence from the sources available, a definitive decision is not possible. Were one formally to take place, while conditions for such an act were lacking, the question would have to be raised concerning its legitimacy.²³

To my knowledge, neither as cardinal prefect of the CDF nor as Pope Benedict XVI has Ratzinger ever retracted this statement. This assures me that I am in very

22. Francis A. Sullivan, S.J., *Magisterium: Teaching Authority in the Catholic Church* (New York: Paulist, 1983; Eugene, OR: Wipf & Stock) 209.

23. Joseph Ratzinger, *Das Neue Volk Gottes: Entwürfe zur Ekklesiologie* (Düsseldorf: Patmos, 1969) 144 (my translation). This volume has never been published in English.

respectable company in holding that a seemingly definitive papal declaration could lack the grounds on which it would have to be based for it to be in fact definitive and infallible.

Author biography

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