

## Responding to the Abuse Crisis as Committed Disciples

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Almost everyone knows how the mainstream media in the U.S. responded to the clerical sex abuse crisis. *The Boston Globe*'s investigative reporting first got attention; then, the *New York Times* jumped on the story, and the *Los Angeles Times* took it up. The *Philadelphia Inquirer* published every sordid detail of the allegations, day after day, week after week. Once it was known that the U.S. bishops were willing to listen to accusations from the past, stories hidden for many years came to light. Typical ways of dealing with the abusers also became public. Victims groups demanded, as a condition for settlement, the full disclosure of material kept in confidential clergy files and the publication of the pertinent information on the internet. The media, lawyers and insurance agents, law enforcement officials, and victims' advocacy groups investigated and exposed the woefully inadequate efforts of some bishops to avoid scandalizing the faithful, and the patterns of episcopal behavior that tragically failed to protect children, youth, and vulnerable adults.

How have the Catholic faithful responded to the clerical sexual abuse crisis? Almost everyone knows that many Catholics have left the Church. Having lost confidence in the clergy, they give up faith in the sacramental economy, and in particular, in the sacrament of Holy Orders. Since they tend to identify the Church with her clergy, they can no longer recognize the Church as a mystery of God's love. The "committed disciples" who are the focus of this talk, however, stayed, and they continue to regard the Church as the mediator of God's grace and mercy, despite their bitter disappointment and anger at the abuse of the innocent and the many losses their local churches have suffered. They cannot live without the Eucharist, and they desire

to contribute to healing, to support their priests and bishops, and to assume greater responsibility for the Church's life and mission themselves. One thing is clear: in the face of this crisis, it is not possible to remain neutral.

### Response of the Faithful to the Revelation of Clergy Sexual Abuse<sup>1</sup>

What has been the response of “committed disciples,” practicing Catholics who are loyal to the Church? *Great sadness* to learn that some Catholic priests were guilty of serious sins that victimized children and youth, and, for some, a desire to make reparation to the Lord for these sins. *Dismay and embarrassment* for the bishops and priests they knew who were suddenly suspected of leading a double life and preying on youth. *Outrage* at the sickening stories of abuse from the past 40 and 50 years paraded in the news media, together with ambivalence over the media's role in exposing this. Later, *consternation and disbelief* as attention began to be focused on the charges of malfeasance lodged against bishops who failed to report priest abusers to the police and remove them from ministry. Catholics who first felt victimized by the media now felt betrayed at learning that some bishops and major superiors of religious men seemed to be more concerned with saving the Church's reputation and assets than with protecting innocent children and youth from sexual abuse. What were they thinking?<sup>2</sup> (This seems like the ultimate expression of clericalism.)

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<sup>1</sup> Other “pastoral workers” have been accused and charged, of course—deacons, religious Brothers, religious Sisters, and lay ministers. I have chosen to focus on priests and bishops in order to address what I think is a critical theological issue, the nature of the ministerial priesthood.

<sup>2</sup> See Archbishop Daniel Pilarczyk, “What Were the Bishops Thinking?” *Origins* 33 (April 1, 2004): 733-36. In the U.S., most bishops adopted a therapeutic approach; they would send the abuser for psychological evaluation and rehabilitation with the expectation that he could eventually return to active ministry, perhaps with some restrictions on his access to children and youth. Although some canon lawyers objected that the canonical provision for investigating and judging accusations against priests would better serve the cause of justice for both the accuser and the accused, the canonical approach was generally held to be less “pastoral.” See John J. Coughlin,

Committed disciples know, of course, that most priests are not guilty of abusing children and youth, but they saw that the mystique that surrounded the Catholic priesthood, based on the belief that they were set apart and consecrated to God as representatives of Jesus Christ in the midst of his Church, has suffered a serious, even fatal blow. It was not just that priests were discovered to be sinners or to be subject to addictions like the rest of us. (We are saddened, but no longer shocked, to learn of clergy addicted to alcohol.) It was the nature of their offenses. Sexual abuse of minors and vulnerable adults falls in a different category. When clerics seek to satisfy their sexual desires by preying on innocent children and youth, victims who could not know how to object and had been taught to respect and obey them, they are guilty of a heinous sin, in fact, of a crime.

Committed disciples were able to distinguish between the person and the office, to see the offender as a “bad apple” rather than the norm, and to understand that it was unfair to suspect that all priests led a double life. They watched helplessly, however, as family members, colleagues, and acquaintances whose attachment to the Church was weak or who already had “issues” with the Church’s teaching announce that this was the last straw. The ideal of goodness, intelligence, and probity of life that they had associated with the priesthood was destroyed. If our priests are sinners, why should we listen to them or defer to them? We are all sinners, but they are the worst; they are hypocrites. Catholics of this mindset lost something precious, a

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OFM, “The Clergy Sexual Abuse Crisis and the Spirit of Canon Law,” *Boston College Law Review* 44:4/5 (2003): 977-998.

confidence and conviction about the Lord's active presence in the Church through his priestly ministers and the Church's capacity to mediate his saving grace.

Whereas the first wave of anger and dismay was directed at priests and bishops guilty of sexually abusing minors, the second wave was directed at the bishops and the major superiors of religious men who failed to protect children and youth from this abuse by properly investigating, disciplining, and if necessary removing from ministry the guilty parties. There were exceptions, of course, but most bishops and major superiors had adopted strategies for responding to claims that ultimately failed to protect minors from priests who had been accused and found guilty. Once it became evident that serial offenders had been shielded from the law by diocesan policies and practices and returned to service in parishes,<sup>3</sup> Catholics began to direct their outrage at the bishops.<sup>4</sup> The scandals they intended to avoid hit the front page and have stayed there for years, and the bishops themselves are now being accused. Their efforts to show that they now put children and youth first<sup>5</sup> seem unable to stem the tide of recrimination.

New policies demonstrate the bishops' commitment to remove offending clerics from ministry<sup>6</sup> and to pay more serious attention to the victims' need for healing and recompense. They now cooperate with law enforcement, establish review boards, and implement diocesan-wide "child-protection" programs. These policies, in turn, have encouraged victims who had

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<sup>3</sup> As the revelations brought to light, however, the therapeutic approach and the plans for fraternal supervision failed to stop the worst offenders, the serial abusers.

<sup>4</sup> Henceforth, I will assume that "bishops" includes major superiors of male religious.

<sup>5</sup> The U.S. bishops adopted (in 2002) and subsequently revised (2005, 2011) a national policy, the Dallas Charter for the Protection of Children and Young People. Similar policies have been adopted by other episcopal conferences and conferences of Religious.

<sup>6</sup> "Zero tolerance" is the U.S. policy, recognized by the Holy See, but not universally required. For an exchange of opinions on this policy between Germain Grisez and Avery Cardinal Dulles, see "Sin, Grace, and Zero Tolerance," *First Things* 151 (March 2005): 27-36.

never lodged complaints to come forward. The results could hardly have been foreseen.<sup>7</sup> The number of accusations is staggering. Financial settlements with victims have forced dioceses into bankruptcy; bishops have been compelled to shut down parishes and diocesan institutions, abandon important diocesan ministries, and terminate faithful Church employees (including women religious, who depend on their stipends) for lack of funds. A downward spiral has been set in motion, and it is not clear how the Church can recover. The bishops' urgently needed moral leadership in the pro-life and pro-marriage movements and, in the U.S., in the struggle to protect religious freedom, has been seriously compromised.

Improved systems at the Holy See and papal apologies have not stopped the complaints. A Pontifical Commission for the Protection of Minors was established in March, 2014, and two weeks ago Pope Francis approved a method for reporting complaints against bishops who fail to protect children and youth from clerical sexual abuse to the Vatican, and assigned a department of the Congregation of the Doctrine of the Faith to adjudicate these claims.<sup>8</sup> Till now, bishops have been put on trial chiefly by the media and self-appointed advocacy groups, like SNAP<sup>9</sup> and “bishops’ accountability.org”; they will no doubt welcome this new provision as a step towards the implementation of fair norms for themselves and their priests, and it will protect the dignity of the episcopate. But is it too little, too late?

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<sup>7</sup> For the experience of one religious superior, see Joseph P. Chinnici, O.F.M., *When Values Collide: The Catholic Church, Sexual Abuse, and the Challenge of Leadership* (Maryknoll, NY: Orbis, 2008).

<sup>8</sup> Catholic News Service, “News Briefs,” June 10, 2015.

<sup>9</sup> Survivors Network for those Abused by Priests, begun in the early '90s in the U.S. by Barbara Blaine.

## Responding to the Abuse Crisis: Theological Reflection

The clerical sex abuse scandal has seriously wounded the Church, and it is, in many respects a self-inflicted wound. One thing that has become apparent is how closely Catholics identify the Church with her clergy. The abuse crisis may mark the beginning of a change. Many committed disciples who are not ordained have stepped forward in various ways: as “apologists” (there are books and blogs that collect testimonies on “Why I am Still a Catholic”), as candidates for the priesthood (young men say “I want to be part of the solution”), as members of the bishops’ advisory boards, as ministers to the victims of abuse, and as defenders of priests who are falsely accused. They do not want to stand by idle or join those who gloat over the humiliation of Catholic priests and bishops. It is impossible to remain neutral, because destructive social forces are using the abuse crisis to silence and discredit the bishops and exclude the witness of faithful Catholics from the public square.

The crisis, then, has stirred in committed disciples, including some who have recently come into full communion with the Church, a desire to speak out in their capacity as laity, and not depend so heavily on clerical leadership. They are beginning to recognize that clericalism is not just an affliction of clerics.<sup>10</sup> It is true that some clergy presume that by virtue of their training and sacramental ordination they are superior to the lay faithful in theological knowledge and virtue. These clergy often take on a propriety role as if they alone were responsible for the Church’s mission and therefore entitled to certain privileges and exempt from evaluation by and

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<sup>10</sup> The following themes are developed by Russell Shaw, “Everyone’s Vocation: Calling for an end to lay clericalism,” *America* 211:8 (September 29, 2014): 19-21, and his full-length treatment in *To Hunt, To Shoot, To Entertain: Clericalism and the Catholic Laity* (San Francisco: Ignatius Press, 1993). See also George B. Wilson, *Clericalism: The Death of the Priesthood* (Collegeville, MN: Liturgical Press, 2008) and my essay, “Clericalism: An Obstacle to Lay Participation,” in a forthcoming book from the Catholic Women’s Forum, edited by Mary Rice Hasson and published by Our Sunday Visitor Press.

accountability to the laity. When the lay faithful accept their identity as “clients” of the clerical “guild,” they endorse clericalism, and—in a kind of trade-off—feel free to excuse themselves from assuming their own vocation as adults in the Church. This arrangement has been called “lay clericalism,” and it encourages an elitist mentality on the part of the clergy.<sup>11</sup> Pope Francis is clearly waging a war against both forms of clericalism—ordained and “lay.”<sup>12</sup> The current crisis itself challenges the lay faithful and those in consecrated life who are not ordained to take more responsibility for the Church’s life and mission. Committed disciples are ready to do this, and it includes helping to safeguard children and youth from abuse and seeking to reclaim scandalized fellow Catholics who have left the Church or joined Catholic groups that promote a radical reform agenda that would eradicate the distinction between clergy and laity.

My task is to offer a theological and ecclesiological reflection on “responding as committed disciples.” One theological question that many of the faithful pose in the wake of the abuse crisis concerns the validity of sacraments celebrated by priests who were credibly accused and then removed from ministry. Does the fact that the priest was a sinner, they ask, have any consequences for us? What are the implications for our marriage, for our child’s baptism, for absolution, for Masses, and for the sacramental presence of Christ’s sacred Body and precious Blood? I will take this question of the ministerial competence of sinful priests, then, as the starting point for my reflection on the sacramental economy, and in particular, Holy Orders, and (much more briefly) on the nature of the Church as a mystery of God’s love.<sup>13</sup>

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<sup>11</sup> In fact, it is also sometimes expressed by the opposite tendency, namely, the laity’s desire to be associated with the privileges of the ordained, and to assume that their lifestyle is the ideal for everyone, or that it is identical with “full participation” in the Church. Russell Shaw explains this expression in *To Hunt, To Shoot*, 30.

<sup>12</sup> *Apostolic Letter Evangelii Gaudium*, §§102, 104.

<sup>13</sup> John Cavadini calls attention to the relationship of these elements in “Church as Sacrament: A Review of *Evangelical Catholicism*,” *First Things* 235 (August 2013): 56-58.

What is our conception of the priesthood, and how does it affect our conception of the Church? In my analysis I will use the terms “clericalism” and “congregationalism”<sup>14</sup> to name two ways of responding to the sins of the clergy that the Catholic Church rejects as doctrinal errors. These errors called forth a theological clarification of the doctrine of the sacraments, Holy Orders, and the constitution of the Church. A correct understanding of Catholic doctrine on these questions may help committed disciples regain confidence in the priesthood and the sacramental mediation of grace and deepen their appreciation of the nature of the Church. At the same time, it will show why the appropriate response to the abuse crisis today is the implementation of effective ecclesiastical discipline.

#### “Clericalism”/Donatism and the Church’s Response

**Clericalism:** I use this term in an accommodated sense to name the belief that a priest’s authority in celebrating the sacraments depends upon his personal holiness. Is this true? Does the validity of the sacraments depend on the holiness of the priests who administer them? No, it does not. Contemporary questioners have probably never given this much thought; up till now, they have assumed that their priests are morally upstanding men, worthy of their respect and obedience. In the aftermath of the scandal, however, they begin to wonder how the moral probity of the priest affects the validity and efficacy of the sacraments he administers.<sup>15</sup> If they assume

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<sup>14</sup> I use “clericalism” in this strong sense to connect it to Donatism, and “congregationalism” in a broad sense to refer to any theory that rejects Holy Orders as a sacrament and sees the ordained ministry as a function of the general ministry of the congregation. M. Francis Mannion uses these two terms in reflecting on challenges in liturgical theology. See his *Masterworks of God: Essays in Liturgical Theory and Practice* (Chicago/Mundelein: Hillenbrand Books, 2004), 66-67. Shaw also uses the two terms, though he calls the second “neocongregationalism.” See *To Hunt, To Shoot*, 89-103, at 89.

<sup>15</sup> In practice, the question for parents is more likely to be whether the clergy they deal with can be trusted around children. The theoretical question, however, raises the more properly theological issue with which this essay is concerned.



there is a necessary connection, they attribute too much “power” or influence to the priest; they exaggerate his importance.<sup>16</sup>

This is not the first time this question was asked. It came up during the Donatist controversy in northern Africa after the Diocletian persecution 303-305 A.D.<sup>17</sup> Some of the clergy, called *traditores*, handed the Sacred Scriptures over to the imperial officials. When the persecution ended, the *traditores* were reconciled to the Church and reinstated. Members of what became known as the Donatist party objected to their reinstatement on the grounds that sacraments celebrated by unworthy priests are invalid.<sup>18</sup> They refused to recognize a newly-elected bishop because one of his ordaining bishops had been a *traditor*, and set up a rival community, a church of the “pure.” The Donatist schism lasted for over a century. St. Optatus of Miletus (d. 400), and later St. Augustine (d. 430), successfully responded to Donatism. They taught that since Christ is the author and the true minister of the sacraments, the sins of the priest cannot render them void.<sup>19</sup> According to Augustine, “those whom Judas baptized, Christ baptized. So too, then, those whom a drunkard baptized, those whom a murderer baptized, those whom an adulterer baptized, Christ baptized.”<sup>20</sup> The sacraments belong to Christ; the priest is only his “minister,” his servant.

Whereas the Donatists had rejected bishops who failed to accept the martyr’s crown, their counterparts in the Middle Ages repudiated clergy who were incompetent and guilty of sexual immorality. Like the Donatists, leaders of the medieval reform movements that were precursors

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<sup>16</sup> In effect, this is like identifying the clergy with the Church, or holding an exaggerated view of the priest’s identification with Christ, his role as acting *in persona Christi*.

<sup>17</sup> See Bernard Leeming, *Principles of Sacramental Theology*, 2<sup>nd</sup> ed. (London: Longmans, 1960) 143-57.

<sup>18</sup> They were, in fact, following the opinion of St. Cyprian of Carthage, an opinion the Church eventually excluded.

<sup>19</sup> See Leeming, chapter 16, for more on Donatism and similar expressions of this error.

<sup>20</sup> *In Ioannis evangelium tractatus* 5, 18, cited by Leeming, 515.

of the Reformation—the Waldensians, the Fraticelli, and followers of Wycliff (d. 1394) and Hus (d. 1415), for example—taught that sacraments celebrated by sinful priests were invalid. They maintained that bishops and priests in the state of mortal sin could not truly baptize, consecrate, confect the Eucharist, absolve, consecrate, or ordain.<sup>21</sup> In other words, they attributed the validity of the sacraments to holiness of the minister rather than to the holiness and merits of Christ.

Theologians who wrestled with the issue carried forward and developed St. Augustine's doctrine. In the 13<sup>th</sup> century, St. Thomas Aquinas (d. 1274) asked, in his treatise on the sacraments, "Whether the sacraments can be conferred by evil ministers?" They can, he answers: God is the principal cause and the ministers of the Church are his instruments. "[A]n instrument acts... by the power of the one who moves it." Good priests serve Christ as his "living instruments"; wicked priests also serve him, but as "lifeless instruments."<sup>22</sup> Holy Orders imprints a sacramental character, like a brand, which permanently consecrates those who possess it<sup>23</sup> so that even if they are sinners they retain the authority or "sacred power" to celebrate the sacraments.<sup>24</sup>

The magisterium had occasion to take a position on this question several times in response to cases much like the ones that concern us today. The idea that the sacraments of sinful

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<sup>21</sup> It is instructive to note that some of the precursors of the Reformation also held that a holy lay person could consecrate the Eucharist. This shows how Donatism/clericalism leads to congregationalism; this was the path pursued by the 16<sup>th</sup> century Anabaptists.

<sup>22</sup> *Summa theologiae*, III, 64, 5 and 64, 5 ad 2.

<sup>23</sup> In the first place, this means that the sacrament cannot be repeated; but it also means that Holy Orders confers the *sacras potestas* to act *in persona Christi* in the celebration of those sacraments that require it. In the theology of St. Thomas (*Summa theologiae* III, 63) this is the *res et sacramentum*, an abiding effect of Holy Orders, a kind of "seal" or mark by which a person is configured to Christ the priest and deputed to divine worship and for conferring sacraments on others. For a contemporary explanation of Thomas's sacramental theology, see Liam G. Walsh, "Sacraments," in *The Theology of Thomas Aquinas*, ed. Rik Van Nieuwenhove and Joseph Wawrykow (Notre Dame, Ind.: University of Notre Dame Press, 2005) 326-64.

<sup>24</sup> *Ibid.*, III, 63, 5. See Walsh, 350-51.

priests are invalid was firmly condemned by Popes Innocent III, John XXII, and the Council of Constance,<sup>25</sup> and the condemnation was reaffirmed at the Council of Trent, against the view of the Anabaptists.<sup>26</sup> Stated positively, the Church teaches that the validity of the sacraments depends on the holiness and merits of Christ, not on the moral probity of the priest who is his instrument.<sup>27</sup>

### Congregationalism and the Church's Response

The second error, congregationalism, is in a way the opposite of the first. Whereas clericalism exaggerates the importance of the priest—as if his sins could obstruct God's purpose—congregationalism minimizes his importance—as if the congregation is the subject of the Church's sacramental worship independently of a priest ordained in apostolic succession.

**Congregationalism:** This term names the belief that the “minister” or “pastor”<sup>28</sup> has no sacramental authority beyond what is given in Baptism. Congregationalism does not recognize Holy Orders as a sacrament that confers a sacred power or a sacramental character on its recipient. The leaders of the magisterial Reformation—Luther (d. 1546), Zwingli (d. 1531), and Calvin (d. 1564)—accepted the tradition that the sacraments are effective independent of the holiness of the minister.<sup>29</sup> They did not do so, however, on the grounds that he is only a “minister” of Christ. In fact, they denied the need for priestly mediation,<sup>30</sup> defined ministry as

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<sup>25</sup> Leeming, 519. See Heinrich Denzinger, *Enchiridion symbolorum, definitionum et declarationum de rebus fidei et morum*, ed. Peter Hünermann, 43<sup>rd</sup> ed., Latin-English ed. Robert Fastiggi and Anne Englund Nash (San Francisco: Ignatius Press, 2012) §§ 793, 914, 1154 (4), and 1262. (Hereafter, DH)

<sup>26</sup> During the 16<sup>th</sup> century, the Anabaptists (or Radical Reformation) followed the “Donatist” theory. Trent repeated its condemnation: “If anyone says that a minister in the state of mortal sin, although he observes all the essentials that belong to the performing and conferring of the sacrament, does not perform or confer the sacrament, anathema sit.” (DH §1613)

<sup>27</sup> See the summaries in *The Catechism of the Catholic Church* (hereafter CCC), §§1550, 1128.

<sup>28</sup> He is not a “priest” according to this theory, and the Mass is not a sacrifice.

<sup>29</sup> They differed in this, then, from the earlier reformers.

<sup>30</sup> Their rejection of the priesthood followed upon the denial that the Mass is a sacrifice.

the preaching of the Gospel, and redefined the sacraments as visible signs of grace that awaken and confirm the recipient's faith in Christ's promise of forgiveness of sins.<sup>31</sup> So understood, sacraments are efficacious because they evoke saving faith; they are not themselves "causes" and they do not contain and confer the grace they signify.<sup>32</sup> By faith, the believer would have access to the same gifts and grace, but the sacraments provide external confirmation of that grace. The Protestant minister, then, is ordained to preach and administer sacramental rites, but not to exercise sacred power not granted to the laity nor to act *in persona Christi*.<sup>33</sup> According to the magisterial Reformers, ordination is an ecclesiastical rite by which a qualified member of the Church is designated, with prayer to the Holy Spirit, to carry out the ministry of Word and sacraments on behalf of the rest of the baptized.

Some Catholic theologians today, for a variety of reasons,<sup>34</sup> also question the meaning, importance, or even the existence of an "essential difference" between the common and ministerial priesthoods. They lean toward congregationalism, in my opinion, when they insist that the priest acts first *in persona Ecclesiae*, and only on that account, *in persona Christi capitis Ecclesiae*.<sup>35</sup>

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<sup>31</sup> According to this new definition, only Baptism and Eucharist are sacraments. I do not attempt here to account for the differences in the diverse Reformation traditions. See Alister E. McGrath's summary in *Reformation Thought: An Introduction*, 3<sup>rd</sup> ed. (Oxford: Blackwell, 1999), ch. 9. Nor do I take into account the ecumenical rapprochement found in *Baptism, Eucharist and Ministry*, Faith and Order Paper No. 110 (Geneva: World Council of Churches, 1983).

<sup>32</sup> Such is the teaching of the Reformed tradition. Luther, by contrast, did hold that by means of the words of institution the real Body and Blood of Christ are present in the elements of bread and wine.

<sup>33</sup> Luther, Zwingli, and Calvin rejected the doctrine of the sacramental character. See Leeming, 136-43. In ecumenical dialogue it is agreed, however, that Baptism and ordination are not to be repeated.

<sup>34</sup> It may be out of a concern to restore a more prominent place to preaching and emphasize the importance of faith for the fruitful reception of the sacraments, but it may also be related to a desire to admit women and married men to the priesthood.

<sup>35</sup> For a critique of this position, see Lawrence J. Welch, *The Presence of Christ in the Church: Explorations in Theology* (Ave Maria, FL: Sapientia Press, 2012), chs. 7-9. Edward Schillebeeckx is the presumed target of the *Sacerdotium ministeriale* (1983). The Congregation for the Doctrine of the Faith denies that a local community can, in an emergency, provide its own priest. The post-conciliar magisterium has repeatedly excluded this possibility.

Theologians like Saints Thomas Aquinas and Bonaventure (d. 1274) before the Reformation and Saints John Fisher (d. 1535) and Robert Bellarmine (d. 1621) after it would not accept this reductive view of the sacraments. According to Thomas, "the sacrament is not wrought by the righteousness of either the celebrant or the recipient, but by the power of God."<sup>50</sup> In relation to this, Thomas developed the notion that the priest acts not in his own "person" (*in propria persona*) but in the person of Christ the Head of the Church.<sup>36</sup> If the subjective condition of the minister cannot thwart the efficacy of the sacraments it is because they are acts of Christ. Bonaventure likewise taught that Holy Orders is a sacrament and that those who receive it are configured to Christ by a sacramental character distinct from that imposed by Baptism and Confirmation.<sup>37</sup> Fisher and Bellarmine defended the Catholic doctrine of the priesthood against the Reformers. Fisher, expounding belief in the Mass as a sacrifice, explained that "it is Christ who is present and who offers the sacrifice,"<sup>38</sup> and Bellarmine engaged the Reformers' arguments in a short systematic treatise on Holy Orders.<sup>39</sup>

Already in 1215, the Fourth Lateran Council had condemned the Waldensian teaching that a holy lay person could celebrate [confect] the Eucharist.<sup>40</sup> The Council of Trent went on to

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See, for example, the CDF's *Mysterium Ecclesiae* §6 and *Inter insigniores* §6; Pope John Paul II's apostolic exhortations *Christifideles laici* §§ 22-23, and *Pastores dabo vobis* §17; and CCC §§1547 and 1592.

<sup>36</sup> *Summa theologiae* III, 82, 1: The sacrament is effected only *in persona Christi*. The priest is able to consecrate the Eucharist because by ordination he is authorized to act *in persona Christi*. The power to consecrate resides not only in the words, but also in the person who utters them. This theme goes back at least to St. Cyprian of Carthage (d.258). John D. Laurance, *'Priest' as Type of Christ* (New York: Peter Lang, 1984) examines Cyprian's early effort to explain how the priest acts "*in persona Christi*."

<sup>37</sup> See *A Companion to Bonaventure*, ed. Jay M. Hammond, J.A. Wayne Hellmann, and Jared Goff (Leiden: Brill, 2014), 349-53.

<sup>38</sup> Richard Rex comments, in *The Theology of John Fisher* (Cambridge: Cambridge University Press, 2003), 134, "Precisely because it was Christ rather than the priest who really performed the sacrifice, no more was offered by a good and holy minister than by a sinful one."

<sup>39</sup> See his short but influential treatment of Holy Orders, *Liber unicus de sacramento ordinis*, in his *De controversiis christianae fidei disputationibus (Opera Omnia, vol. 5)*.

<sup>40</sup>IV Lateran, First Constitution, confession of faith, §1: "no one can perform this sacrament except the priest duly ordained according to [the power of] the keys of the Church, which Jesus Christ himself conceded to the apostles and their successors." (DH §802)

condemn the proposition that faith alone is sufficient to obtain the promise confirmed in the sacraments,<sup>41</sup> and it rejected the anti-clericalism that discounted the efficacy of Holy Orders and called every Christian a priest.<sup>42</sup> The validity of the sacraments does not depend on the holiness of the priest, but it does depend on his ordination because Christ has consecrated him as his “minister” and conferred on him a sacramental character authorizing him to act in his person. Looking ahead to the Second Vatican Council, one can see that *Lumen gentium* §10 is a key text. It authoritatively affirms the “difference in kind” between the common and ministerial priesthood and articulates the relation between the two. According to Catholic teaching, priests are ministers of Christ, not delegates of the community.

#### Holy Orders as a Sacrament: the Catholic Alternative

How should the Church respond to the sins of the clergy? Does the problem reveal a fatal flaw in the traditional understanding of the sacraments, and especially of the priesthood, that has to be exposed? Does the reform of the clergy require re-thinking the doctrine of Holy Orders or abandoning the hierarchical structure of the Church? Does a critique of praxis reveal some distortion of doctrine heretofore unnoticed? Is the solution to be found in an extreme clericalism that supposes the efficacy of the sacraments to depend upon the priest’s holiness or in a congregationalism that supposes every Christian has, from Baptism, the radical capacity to be a minister of Word and sacrament? The Church has traditionally responded, instead, by implementing canonical provisions so that offending priests and prelates are removed from their ministry, deprived of their offices and ecclesiastical benefices, or expelled from the clergy.

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<sup>41</sup> Decree on the Sacraments (1547), canon 8: “If anyone says that through the sacraments of the New Law grace is not conferred by the performance of the rite itself [*ex opere operato*] but that faith alone in the divine promise is sufficient to obtain grace, let him be anathema.” (DH §1608)

<sup>42</sup> *Ibid.*, canon 10: “If anyone says that all Christians have the power (to preach) the word and to administer all the sacraments, let him be anathema.” (DH §1610)

Holy Orders does not preserve priests from sinning.<sup>43</sup> When priests use the authority of their priestly office to lure children and youth to commit sins against the sixth commandment, they not only violate their victims, they betray Christ, the Church, and the priesthood. For centuries there have been reformers within the Catholic tradition who railed against these sins and demanded that the offending clergy be disciplined. The conciliar decrees that address this are not well known since they are disciplinary rather than dogmatic, but it is important to become acquainted with this tradition.<sup>44</sup> The current abuse crisis has prompted scholars to investigate it.<sup>45</sup>

Professor C. Colt Anderson reports that in the 11<sup>th</sup> century, St. Peter Damian (d. 1072), a cardinal and later doctor of the Church (called the “Doctor of Reform”), called public attention to the scourge of clerical sexual abuse. The situation at that time was considerably worse than the present crisis and clerics were not accountable to civil law. Peter Damian initiated penalties not only for the offenders but also for the bishops and religious superiors who tolerated them, reasoning that by their failure they were partners in those crimes and also deserved death!<sup>46</sup> He likened the sexual abuse of minors by the clergy to “spiritual incest.” He involved simple as well as influential lay people in his crusade against clerical sexual abuse because he saw that the clergy were loath to address it. In his opinion, the only way for the Church to re-gain credibility

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<sup>43</sup> CCC §1550: “This presence of Christ in the minister is not to be understood as if the latter were preserved from all human weaknesses, the spirit of domination, error, even sin. The power of the Holy Spirit does not guarantee all acts of ministers in the same way. While this guarantee extends to the sacraments, so that even the minister's sin cannot impede the fruit of grace, in many other acts the minister leaves human traces that are not always signs of fidelity to the Gospel and consequently can harm the apostolic fruitfulness of the Church.”.

<sup>44</sup> Norman P. Tanner's two-volume edition of the conciliar texts, *The Decrees of the Ecumenical Councils* (Washington, D.C.: Georgetown University Press, 1990) includes the disciplinary decrees in English translation.

<sup>45</sup> C. Colt Anderson, “When *Magisterium* becomes *Imperium*: Peter Damian on the Accountability of Bishops for Scandal,” *Theological Studies* 65 (2004): 741-766. See also his shorter article, “An Eleventh Century Scandal,” in *America* 192:20 (June 6, 2005): 20-23. Both articles are available on line.

<sup>46</sup> St. Peter Damian cites Romans 1:32 in support of this. See Anderson, “When *Magisterium*,” 753.

was to punish those who failed to correct the abuse, namely, the bishops and religious superiors, by stripping them of their office too.

In many ways, this 11<sup>th</sup> century reform movement provides a pattern for the Church today. It recalls that all Catholics have a duty to expose clerical sexual abuse and episcopal failure of oversight. The whole Church must remain vigilant. Never again can the bishop worry more about scandal than about the victims and their families. Committed disciples are called to step forward with courage, and not leave this task to the secular media and to those who might undertake it for unworthy motives. This is now everyone's responsibility.

St. Peter Damian's reform puts on display the Catholic alternative to "clericalism" /Donatism and congregationalism. There is a danger, today, that having once credited the priest with too much "power" ("clericalism"), some theologians go to the opposite extreme, denying that he has any special "power" at all or that there is any "difference in kind" between the common and ministerial priesthoods (congregationalism). Catholics who have joined other Christian communities rather than tolerate the inadequacy and even sinfulness of some of the clergy, or who have abandoned the faith altogether over the clerical abuse crisis, need to know what the Church teaches. Committed disciples need to have confidence in the Catholic alternative. They can, on the one hand, acknowledge the gift of Holy Orders and the dignity of those who are ordained, and recognize that the sacramental character imprinted on them guarantees that Christ is really acting in the sacraments even when they are celebrated by sinful priests.<sup>47</sup> On the other hand, they can recognize that priests and bishops are only Christ's

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<sup>47</sup>CCC §1120: "The ordained ministry or *ministerial* priesthood is at the service of the baptismal priesthood.<sup>38</sup> The ordained priesthood guarantees that it really is Christ who acts in the sacraments through the Holy Spirit for the Church." The Church does not approve their sin, however, but teaches that God will judge them more severely for these sins.



“ministers”; if they are found guilty of sexual abuse of minors, or of turning a blind eye to these crimes, they must be held accountable. Because these crimes include the abuse of their office, the punishment may include removing them from office. There is a precedent for this, and the 1983 Code of Canon Law provides for this penalty.<sup>48</sup>

### The Church as a Mystery of God’s Love

Sadly, as a result of the abuse crisis, some Catholics are now content to view the Church only as a flawed human institution whose hypocrisy and corruption have now been discovered—to the scandal of its members and the larger public. Like the Donatists, they may want a “pure” Church where only saintly priests can function. They may leave the Catholic Church to join an ecclesial community with a higher standard, one that welcomes people only if they can testify to a personal conversion (“All believers but only believers”). But how can this holiness be assured? How can the minister’s subjective state of soul be ascertained?<sup>49</sup> Or like the Reformers, they may choose to rely on God’s promises—to be saved by grace through faith—without depending on the mediation of a special priesthood.<sup>50</sup> But does not this indicate a refusal to trust in the ecclesial institutions in which “God has promised through Christ to be present and operative with His Spirit and grace”<sup>51</sup>? What are the consequences of thinking that the Church, in the person of her priests, cannot be trusted to mediate the truth and grace of Christ in the sacraments? If crediting

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<sup>48</sup>See *Code of Canon Law*, canons 1389, 1395. On the need to provide adequate protection for falsely accused priests, see Thomas G. Guarino, “Priests ‘Credibly’ Accused?” *First Things* Web Exclusive (November 6, 2013).

<sup>49</sup> The doctrine of the sacramental character addresses this problem.

<sup>50</sup> Or they can simply drop out of organized religion altogether and seek to commune with God in private, without the mediation of the Church—“spirituality without religion.”

<sup>51</sup> See Carl J. Peter, “Justification by Faith and the Need for Another Critical Principle,” in *Justification by Faith: Lutherans and Catholics in Dialogue VII*, ed. H. George Anderson et al. (Minneapolis: Augsburg, 1985) 304-315, at 309.

them with too much power is a kind of idolatry, is it not blasphemy to refuse to trust in them altogether?

Committed disciples who are acquainted with the elements of sacramental theology and the theology of the priesthood, who trust in the sacramental mediation of the Church and her priests, are in a position to discover anew that the Church is a mystery of God's love.<sup>52</sup> In fact, a correct understanding of Holy Orders as a sacrament sustains a correct ecclesiology. The Church is more than a human community and a social institution whose duly appointed leaders attempt to maintain the confidence and support of its members. It is more than the "People of God" whose leadership is appointed in a time-honored way. It is more than a gathered community of Jesus' disciples, banded together to listen to the Lord's Word, offer worship, serve others in his name, and engage in mission. It cannot be divided into the "People of God" and the "institutional church."

To lose the Catholic doctrine of Holy Orders is to lose the Catholic doctrine of the Church. It is the ministerial priesthood that "guarantees that it really is Christ who acts in the sacraments through the Holy Spirit for the Church."<sup>53</sup> But the Church is not identical with her clergy; she is "an organically structured priestly community."<sup>54</sup> Priests exist for the sake of the baptized, not the other way around, and they serve the rest of the baptized by making Christ's

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<sup>52</sup>As Cavadini ("Church as Sacrament") points out in dialogue with George Weigel's *Evangelical Catholicism*, the Church is a gift even in anticipation of a baptized person's response in faith. "The communion of the Church does not arise from personal friendship with the Lord Jesus, but from Christ's undeserved, atoning love which, mediated by the sacraments, makes the Church. The Church *is* the bond of communion, whether it is consciously known in a subjective friendship or not."

<sup>53</sup> CCC §1120. It continues: "'The saving mission entrusted by the Father to his incarnate Son was committed to the apostles and through them to their successors: they receive the Spirit of Jesus to act in his name and in his person. The ordained minister is the sacramental bond that ties the liturgical action to what the apostles said and did and, through them, to the words and actions of Christ, the source and foundation of the sacraments."

<sup>54</sup> CCC §1119.

gifts of Word and sacrament available to them.<sup>55</sup> Their service is ordered to forming a holy people who will transform the world according to their own vocations. Today, committed disciples—lay, religious, and ordained—are called to collaborate in new ways to address the abuse crisis, to assure the safety of children and youth, and to strengthen and sustain the shaky and shattered faith of fellow Catholics.

The Church is a mixed society of sinners and saints, weeds and wheat (see Matthew 13:24-30). God did not postpone the Incarnation until the Chosen People became holy, but sent his own Son “in the likeness of sinful flesh, and for the sake of sin, he condemned sin in the flesh” (Romans 8:3).<sup>56</sup> As St. Paul exclaims, “God proves his love for us in that while we were still sinners Christ died for us” (Romans 5:8). The abuse crisis reminds us that the Church herself was born from the pierced side of the crucified Christ.<sup>57</sup> She is not our creation. We do not save ourselves but are saved by Christ’s undeserved sacrificial love. Christ is the Head of the Church, his Body and his Bride, and the sacraments have their source in the blood and water that flows from his heart. In the Eucharistic sacrifice, offered in his person by his priestly minister, “the work of our redemption is accomplished.”<sup>58</sup> It is the Eucharist that “makes the Church”; in this sacrament we have communion in his Body and Blood with Christ himself. Committed disciples cannot live without it. “Let us not allow ourselves to be robbed,” as Pope Francis would say,<sup>59</sup> of the Church, of the sacraments, and of the ministerial priesthood by which Christ is truly active among us, faithfully offering us a share in his divine life in the Holy Spirit.

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<sup>55</sup> CCC §1132.

<sup>56</sup> See Thomas G. Weinandy, *In the Likeness of Sinful Flesh* (Edinburgh, Scotland: T & T Clark, 1993) for a lucid exposition of this soteriological theme.

<sup>57</sup> See CCC §766.

<sup>58</sup> Vatican II, *Sacrosanctum concilium* §2, citing the Secret Prayer of the Ninth Sunday after Pentecost.

<sup>59</sup> See *Evangelium gaudium* §§80, 83, 86, 93, 97, 101, and 109.

