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GENDER BIAS IN THE ROMAN CATHOLIC CHURCH: WHY CAN'T WOMEN BE PRIESTS?

CHERYL Y. HASKINS*

I. INTRODUCTION: FEMINISM AND THE STUDY OF RELIGION AND GENDER

The cultural contributions of women and their social, economic, and political roles are now part of both scholarly and popular consciousness. As in many fields, the presence of feminist research in religion has been intensified because the matter of gender has become more than a topic of academic concern. Many have attempted to answer the question, 'What is the relationship of the biblical word to the traditional position of the church on the role of women?'¹

I attempt to answer the question by exploring gender bias in the Roman Catholic Church, which adamantly maintains that its refusal to allow women to be ordained priests is a decision based on centuries of tradition. This article will briefly discuss the role of women in the development of Christianity. It will also dissect one Church² declaration that explains its position, by exploring this constant tradition in relation to the attitude of Christ, apostolic practice, and the ministerial priesthood. Finally, the article will discuss what role, if any, the courts may play in alleviating gender bias in the Roman Catholic Church.

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1. CAROL MEYERS, *DISCOVERING EVE* 6 (1988). Meyers notes: "In its broadest sense that question affects many important issues, such as the validity of leadership roles for women in the formal structures of western religion, and the nature of the relationship between men and women in the informal setting of home and family. It also involves the problem of general attitudes toward women engendered by the traditional understanding of biblical texts, and it affects the way in which decisions are made for continuing or changing tradition-based patterns in both formal and informal situations." *Id.*

2. Throughout this article, the term "Church" will refer to the Roman Catholic Church.

II. THE ROLE OF WOMEN IN THE DEVELOPMENT OF CHRISTIANITY

Christianity, which purports a basic concern for women as persons, is reluctant to accept their service to the Church as equally as the service of men. In studying the history of women in Christianity, its problematic nature becomes evident. One problem is how to define the term "woman." It is important to define the term "woman" because a definition will make women more recognizable as equal members of the Church. Once women are considered of equal status to man, the possibility of ordination of women to the priesthood will increase. With regard to women being a suitable topic for theological study, author Elsie Thomas Culver asserts that until the 1960s, it was difficult to find the word woman in the index of most theological works.³ Even today, it is difficult to determine if much progress has been made toward establishing a meaningful definition of woman in a theological context. Women have been, and continue to be, defined in terms of the biblical image of Eve.⁴

In an attempt to define women in religion on a more spiritual note, Culver turns to a finding of archaeology, recalling that a woman of mystery always has a special appeal.⁵ She discusses the Orante:

One of the most persistent symbols found in the catacombs is a volatile little figure - always feminine - which appears on the tombs of both men and women. She is referred to as the Orans, or "praying one," and seems to represent the soul of the departed (man or woman) probably praying for those who remain. At first the praying ones were often Biblical figures - Noah, Moses, and Daniel were favorites. However, the Christian tombs of the first four centuries show some 150 of these unidentified little female figures, with the arms outstretched to the sides, forearms raised parallel to the body, the fingers spread wide, as if receiving power from an unseen source. Often the figures appear in association with Jesus as the Good Shepherd.⁶

3. ELSIE THOMAS CULVER, *WOMEN IN THE WORLD OF RELIGION*, at xvi-xx (1967).

4. *Id.* at ix.

5. *Id.* at xx.

6. *Id.*

Culver notes that although scholars admit they do not know the significance of the Orante, for the early Christians to whom the symbolism of the resurrection was tremendously important, the Orans must have had special meaning.⁷ Writers have identified the Orans as the Virgin Mother, or the Holy Spirit, who is the defending soul of the departed.⁸ Culver hypothesizes that, because the Orante often appear in association with the figure of Jesus as the Good Shepherd, it is plausible that the Holy Spirit was, in the first century, considered the feminine element in the Trinity by the Roman Christians.⁹ An additional possibility is that the Orans represents the Church, which is likewise referred to by a feminine pronoun.¹⁰ Practically all record of this popular symbol that might historically define women in Christianity has been lost.¹¹

Attempting to define women's relation to religion in terms of Christian theological anthropology, Rosemary Radford Ruether, explores the theological dualism of humanity as created in the image of God.¹² Ruether maintains that the structure of Christian anthropology is ambiguous, expressing what today might be called a "case of projection."¹³ Her theory, briefly summarized, is that man and woman were both created in God's image, yet man views woman as a lower projection of himself, not as an equal.¹⁴ Though women are equivalent in the image of God, to men they "nevertheless symbolize the lower self, representing this in their physical, sexual nature. . . . She is an 'inferior mix' and, as such, is by nature non-normative and under subjugation."¹⁵ Male projection of females as an incarnation of lower human nature, though contrary to the Bible's assertion that women are created in the image of God, has limited women's ability to be recognized as equal members of the Church. That the male-dominated Church defines women as a lesser class of human being inevitably impacts their opinions as to whether women can be ordained as priests.

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. ROSEMARY RADFORD RUETHER, *SEXISM AND GOD-TALK* 93-99 (1983).

13. *Id.* at 93.

14. *Id.* at 94.

15. *Id.* at 94.

III. WHY THE CATHOLIC CHURCH DECLARES WOMEN CANNOT BE PRIESTS

Historically the Church has maintained that priestly ordination cannot be validly conferred on women.¹⁶ Although a few heretical sects in the first centuries entrusted the exercise of priestly ministry to women, this innovation was immediately noted and condemned by the Fathers, who considered it unacceptable.¹⁷

A. Gender Roles Defined in Patriarchal Catholicism

The designation of “father” has great significance in the biblical historical study of religious development. One theory for reconstructing the cultic life in Israelite households is that proto-Israelite religion was “personally and family oriented rather than institutionally conditioned.”¹⁸ This view seriously considers the fact that, among the many epithets for the Israelite deity, the phrase “God of the fathers/ancestors,” which appears over sixty times in the Hebrew Bible, is prominent and persistent.¹⁹ In the Old Testament, there is evidence of familial centrality in such stories as that of Micah’s household. As in many Israelite households during the Old Testamental period in religious history, “This man Micah had a shrine, and he made an ephod and teraphim, and installed one of his sons, who became his priest.”²⁰ This general familial involvement in sacrificing foodstuffs involved a festal meal for all household members, and tells us something about female involvement in these practices.²¹ Micah’s official priest is designated as “father and priest.”²² The title “father” stems from the priest’s function as a diviner and provider for oracular advice.²³ However, author Carol Meyers urges us not to overlook that one prominent woman of this same premonarchic period, Deborah, is called “mother in Israel.”²⁴ Meyers notes that in this context, “mother” does not refer to a biological maternal role, but to her divinatory leadership, and her ability to provide answers to Israel’s

16. See *infra* Parts III, IV.

17. FRANCIS X. DOYLE, *THE DEFENSE OF THE CATHOLIC CHURCH* 52 (1927) (defining the Fathers as those early teachers and interpreters of the Gospels, who in explaining their writings to the people, and in discussing the correct interpretations, quoted the texts which they were expounding, preserving practically the whole New Testament in their voluminous writings).

18. MEYERS, *supra* note 1, at 158.

19. *Id.*

20. *Judges* 17:5.

21. MEYERS, *supra* note 1, at 158.

22. *Judges* 18:20.

23. MEYERS, *supra* note 1, at 159.

24. *Id.* (citing *Judges* 5:7).

problems.²⁵ Like “father,” “mother” was sometimes a title for one bearing religious authority.²⁶ Deborah’s story may indicate that women of religious importance during this period were recognized by a title similar to that bestowed upon men, which suggests that there was no gender-based division of religious involvement.

B. *The Sacred Congregation*

The Vatican under Pope Paul VI²⁷ issued an official declaration against women's ordination in 1977.²⁸ The Sacred Congregation for the Doctrine of the Faith released the *Declaration on the Question of Admission of Women to the Ministerial Priesthood* for publication on January 27, 1977.²⁹ The *Declaration* states that the Church, “in fidelity to . . . the Lord, does not consider herself authorized to admit women to priestly ordination.”³⁰ The Sacred Congregation explains that, although this position of the Church may cause pain, its positive value will become apparent in the long run because it can be of help in deepening the understanding of the roles of men and women.³¹

The *Declaration* explains the Church’s position by exploring her constant tradition, the attitude of Christ, and the practice of the Apostles. Despite biblical evidence of the divinatory leadership of women, the Sacred Congregation contends that, beyond considerations inspired by the spirit of the times, canonical documents express the essential reason for not allowing women to be priests.³² Namely, by calling only men to the priestly order and ministry, the Church “intends to remain faithful to the type of ordained ministry willed by Jesus Christ and maintained by the Apostles.”³³ The Church's tradition has been firm, conforming to the model left by Jesus.³⁴ However, Meyers points out that if the focus

25. *Id.*

26. *Id.*

27. Regarding the role of the Pope in approval of doctrines such as this, the title of Pope was originally applied to any bishop of the Christian Church, but since 1076 in the Roman Catholic Church it applies to the Bishop of Rome. The Roman Catholic Pope is the supreme pontiff and visible head of the Church who, as decreed by the Vatican Council in 1870, has supreme power in all matters of faith and discipline pertaining to the pastors and the faithful, with divine infallibility by divine assistance when, in his apostolic office, *i.e.*, speaking *ex cathedra*, he defines a doctrine of faith. *WORLD SCOPE ENCYCLOPEDIA* (William H. Hendelson ed., 1958).

28. The Sacred Congregation for the Doctrine of Faith, *Vatican Declaration: Women in the Ministerial Priesthood*, 6 *ORIGINS* 517, 519-532 (1977) (hereinafter *Declaration*).

29. *Id.*

30. *Id.* at 519.

31. *Id.*

32. *Id.*

33. *Id.*

34. The biblical text remains the major source of information about the population of the

remains on the apparent absence of women from the formal religious structure throughout most of Israelite life, the role of popular religious practice is ignored.³⁵ She further indicates that texts describing religious activities using masculine language may have been intended as inclusive of the entire community.³⁶ Anthropological research indicates that women were participants in religious life largely through their domestic activities.³⁷ “This situation would certainly have been the rule in the monarchic period, when women were largely excluded from public religious leadership.”³⁸

The Sacred Congregation maintained that God mandated that only men are to be ordained to priestly ministry.³⁹ The nature of past domestic religious practice, which included women in leadership roles, was extremely difficult to visualize for a society such as ancient Israel, which barely mentioned such practice in its official texts.⁴⁰ Furthermore, “the possibility that at least some domestic religious activities, such as female puberty rites,⁴¹ harvest dances,⁴² or childbirth rites⁴³ seem to have been exclusively female may have been unknown to or largely ignored by the male shapers and transmitter of the canon.”⁴⁴

The apostolic community remained faithful to the attitude of Jesus towards women. Mary occupied a privileged place in the group of men and women gathered in the upper room after Jesus ascended; however, she was not called to join the Apostles.⁴⁵ Mathias, a disciple, was chosen to replace Judas.⁴⁶ On the day of Pentecost, the Holy Spirit filled men and women,⁴⁷ however, the proclamation of the fulfillment of the prophecies in Jesus was made only by Peter to the other eleven Apostles.⁴⁸

biblical period. Serious obstacles arise when female roles are analyzed from a biblical perspective. The Hebrew Bible is largely representative of a small segment of the Israelite population. Those parts of the canon that contain the most useful materials for a discussion of the role of women in early Christianity are the products of a literate, male-dominated elite. MEYERS, *supra* note 1, at 11-23.

35. *Id.* at 160-61.

36. *Id.* at 161.

37. *Id.*

38. *Id.*

39. *Declaration, supra* note 28, at 519.

40. MEYERS, *supra* note 1, at 161.

41. *Judges* 11:39-40.

42. *Judges* 21:20-21.

43. *Leviticus* 12:6-8.

44. MEYERS, *supra* note 1, at 161.

45. *Acts* 1:12-14.

46. *Acts* 1:21-26.

47. *Acts* 2:4.

48. *Acts* 2:14.

When the Apostles and Paul went beyond the confines of the Jewish world, the preaching of the Gospel and the Christian life in Greek and Roman civilization impelled them to break with Mosaic practices.⁴⁹ The Sacred Congregation maintains that if the Apostles had not been convinced of their duty of fidelity to the Lord, they could have imagined conferring ordination on women.⁵⁰ The Book of Acts and the letters of St. Paul show that certain women worked with the apostle Paul for the Gospel.⁵¹ Paul lists their names with thanks in the final salutations of the letters.⁵² Some of the women often had an important influence on conversions. For example, Priscilla completed the instruction of Apollos;⁵³ and Phoebe, a deacon, served the church of Cenchreae.⁵⁴ This demonstrates that Jewish customs were undergoing a considerable evolution, but the question of conferring ordination on these women was never raised.⁵⁵ Furthermore, in Paul's letters he uses two different formulas. He writes "my fellow workers"⁵⁶ when referring to men and women helping him in his ministry.⁵⁷ However he reserves the title "God's fellow workers"⁵⁸ to Apollos, Timothy and himself, designating that they are directly set apart for the apostolic ministry and preaching God's word.⁵⁹ Although women played an important role on resurrection day, Paul did not extend their collaboration to the official and public proclamation of the message that belongs exclusively to the apostolic mission.⁶⁰ Paul's writings clearly indicate women were qualified and quite capable of holding leadership positions in the early Church. The Sacred Congregation has chosen to ignore the important role women played in the early establishment of Christianity and the Church. If the Sacred Congregation would give due recognition to these women, it might have a more favorable outlook towards the possibility of ordination of women in the modern Church.

49. *Declaration*, *supra* note 28, at 520.

50. *Id.*

51. *Id.* (citing *Romans* 16:3-12; *Philippians* 4:3).

52. *Id.*

53. *Id.* (citing *Acts* 18:26).

54. *Id.* (citing *Romans* 16:1).

55. *Id.*

56. *Id.* at 521 (citing *Romans* 16:3; *Philippians* 4:2-3).

57. *Id.*

58. *Id.* (citing *1 Corinthians* 3:9; *1 Thessalonians* 3:2).

59. *Id.*

60. *Id.*

C. The Attitude of Christ – A Departure from Cultural Norms

The Sacred Congregation further supported its position by noting that Jesus did not call any women to become one of the twelve Apostles.⁶¹ However, this assertion does not take into account that Jesus' attitude towards women did not conform to the customs of his time.⁶² Jesus deliberately and courageously broke away from Mosaic Law, which had been very restrictive regarding women.⁶³ He publicly conversed and interacted with women.⁶⁴ Jesus also affirmed the equality of the rights and duties of men and women with regard to marriage.⁶⁵ In his bold departure from Mosaic Law, Jesus engaged in public discussions about marriage and divorce, and explained the distinction between society's view of women in Moses' day and Jesus' view of women in his day.⁶⁶ When Pharisees asked Jesus why Moses permitted them to divorce their wives, he answered, "It was because you were so hard-hearted that Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you, whoever divorces his wife, except for unchastity, and marries another commits adultery."⁶⁷ These words indicate that Jesus placed women on equal status with men and believed that they had equal legal rights.

In his traveling ministry, Jesus was accompanied by a group of women as well as the Apostles.⁶⁸ Among them were "Mary, called Magdalene, from whom seven demons had gone out, and Joanna, the wife of Herod's steward Chuza, and Susanna, and many others, who provided for them out of their resources."⁶⁹ The Jewish culture did not accord great value to the testimony of women.⁷⁰ We find evidence of this in two of the Gospel accounts of Jesus' life and ministry where women were the first to have the privilege of seeing the risen Lord, but the disciples did not believe them.⁷¹ Jesus charged the women to take the

61. *Id.* at 519-20.

62. *Id.* at 520.

63. Mosaic, or Sinai, Law is based on a covenant between God and the Israelite people whom he released from the bondage of Egyptian slavery, with Moses acting as God's messenger. ISAAC LEESER, *THE JEWS AND THE MOSAIC LAW* 5589 (1829).

64. *Declaration, supra* note 28, at 520 (citing *John* 4:27, 8:3-11; *Matthew* 9:20-22; *Luke* 7:37-50).

65. *Mark* 10:2-11.

66. *Id.*

67. *Id.*

68. *Declaration, supra* note 28, at 520.

69. *Id.* (citing *Luke* 8:2-3).

70. *Id.*

71. *Id.* (citing *Mark* 16:9-11; *Luke* 24:10-12).

first paschal message to the Apostles to prepare the Apostles to become the official witnesses to the resurrection.⁷²

D. The Ministerial Priesthood and the Mystery of Christ

The Church's normative practice can be illustrated by showing the compatible relationship between the proper nature of the sacrament of order, with its specific reference to the mystery of Christ, and the fact that only men have been called to receive priestly ordination.⁷³ The Church's constant teaching declares that the bishop or the priest, in the exercise of his ministry, does not act in his own name, but represents Christ, who acts through him.⁷⁴

Paul considered this ability to represent Christ as characteristic of his apostolic function.⁷⁵ This representation is found in special form in celebrating Communion, the center of the Church's unity that associates the people of God with the sacrifice of Christ.⁷⁶ Because the priest alone has the power to perform this sacrament, he then acts through the effective power conferred on him by Christ, and takes on the role of Christ.⁷⁷ Thus, the Catholic priesthood is sacramental in nature and the priest is a sign that must be perceptible and easily recognized by the followers.⁷⁸ In other words, one of the Sacred Congregation's justifications for a male only priesthood is that the people will only recognize and relate to the male priest to the image of Christ.

Those in favor of allowing women to enter the priesthood believe that this assertion is illogical.⁷⁹ As one author argues: "Theologically speaking, the maleness of Jesus has no ultimate significance. It has a social symbolic significance in the framework of societies of patriarchal privilege. In the language of the early Christian prophetism, we can encounter Christ *in the form of our sister*."⁸⁰ An example of "encounter[ing] Christ in the form of our sister" is found in the story of Martha and Mary in the New Testament.⁸¹ As Jesus visited these two sisters, rumors of his relationships with women had preceded him.⁸²

72. *Id.* (citing *Matthew* 28:7-10; *Luke* 24:9-11; *John* 20:11-18).

73. *Id.* at 522.

74. *Id.*

75. *Id.* (citing *2 Corinthians* 5:20; *Galatians* 4:14).

76. *Id.*

77. *Id.*

78. *Id.*

79. REUTHER, *supra* note 12, at 137-38.

80. *Id.*

81. *Luke* 10:38-42.

82. RENITA WEEMS, *JUST A SISTER AWAY* 45 (1988).

Menstruating women touched him without fear or rebuke, harlots, adulteresses, and Samaritan women followed him from town to town.⁸³ Mothers sought him to heal their children and little girls considered him their friend.⁸⁴

When Jesus spoke with Mary, he told her parables exalting women, comparing God to a woman who loses a coin, searches relentlessly for it, and celebrates with her friends when she finds it.⁸⁵ He recounted the parable of the poor widow who gave her last coin to the temple,⁸⁶ and the widow who wouldn't take "no" for an answer, even from an impious judge.⁸⁷ Mary believed that Jesus was telling her, "the Kingdom of God belongs to you, a woman, too."⁸⁸ It seemed as though the most important thing to Jesus at the time was that women understood him and his respect for women.⁸⁹ For many women, the comfort and support they find in sisterhood is much like an encounter with Christ. These passages of scripture show the high esteem in which Jesus held the women of his time.

In Jesus' day, it would have been unfashionable, and perhaps dangerous, to choose women leaders in a climate ruled by Jewish religious laws and Roman societal laws. Yet careful examination of Paul's Letters and the Gospels, especially Luke, give keen insight into the risks that Jesus was willing to take toward more inclusion of women.⁹⁰ The fact that Jesus chose Mary Magdalene to announce the good news of the Resurrection is extremely important.⁹¹ Further, Paul's Letters reveal that he entrusted the leadership and care of several of the earliest churches to women.⁹² These examples support the argument that both Jesus and Paul strived for the inclusion of women in the ministry of the early church.

Paul emphasized that all are one in Christ and therefore men are not superior to women.⁹³ Because God offers salvation to men and women, their union with him takes the form of a nuptial mystery in which God sees the chosen people as his ardently loved spouse.⁹⁴ This nuptial

83. *Luke* 8:2-3; 43-48.

84. *Luke* 7:12-15.

85. *Luke* 15:8-10.

86. *Luke* 21:1-4.

87. *Luke* 18:2-5.

88. WEEMS, *supra* note 82, at 46.

89. *Id.*

90. *Id.*

91. *Mark* 16:9-11.

92. *Philippians* 4:2-3.

93. *Galatians* 3:28.

94. *Ephesians* 5:21-32.

theme places men and women on the same level as a partner of both God and Christ.⁹⁵ Scriptural language, interwoven with symbols, expresses and effects man and woman in their profound identity to reveal the mystery of God and Christ.⁹⁶ The difference of sex has been God's will from creation; the book of Genesis indicates in chapter 1, verse 27, "male and female he created them."⁹⁷ After God created both man and woman in his own image, he then gave them *equal* dominion over land and animals.⁹⁸ The second chapter of Genesis illustrates the ultimate manifestation of the nuptial mystery theme: "Therefore a man leaves his father and mother and clings to his wife, and they become one flesh."⁹⁹ In Elizabeth Cady Stanton's companion to *The Bible*, entitled *The Woman's Bible*, Stanton compares the first creation story of Genesis to the second.¹⁰⁰ Stanton describes the first creation story, a simultaneous creation of man and woman, as proof that God created men and women equally.¹⁰¹ This is in stark comparison to the second story of creation in Genesis, which Stanton refers to as "a mere allegory, symbolizing some mysterious conception of a highly imaginative editor."¹⁰²

Those who support the ordination of women do not equate the masculinity of Christ with qualification to be a priest. Old and New Testament scriptural texts continuously refer to the equality of men and women as created by God in his image. Jesus, in departure from Mosaic Law, through his teaching and ministry, elevated the status of women. Paul in his travels and writings to the early Christian churches also stressed that all men and women were equal in God through Jesus Christ. There are many biblical examples that show both Jesus and Paul spoke out strongly for inclusion of women in the ministry of the early church. In comparison, the Sacred Congregation offers weak excuses for denying women ordination to the priesthood.

Throughout the history of the early Church, women played a significant role in the development of Christianity. Jesus broke from traditional Mosaic law and recognized the vital part women played in the early Church. Paul and the Apostles remained faithful to the attitude of Jesus toward women. In spite of this, the Roman Catholic Church adamantly refuses to recognize the capabilities and qualifications of women to be ordained to the priesthood.

95. *Galations* 3:28.

96. *Declaration*, *supra* note 28, at 522.

97. *Id.* at 523.

98. *Genesis* 1:27-28.

99. *Genesis* 2:24.

100. ELIZABETH CADY STANTON, *THE WOMAN'S BIBLE* (Prometheus Books 1999) (1895).

101. *Id.*

102. *Id.*

IV. THE SACRED CONGREGATION CONSIDERS CHANGE

Raising the question of whether today's Church can depart from the attitude of Jesus and the Apostles, the Sacred Congregation examined various arguments in favor of a positive response to the question. The Sacred Congregation first addressed the claim that the attitude of Jesus and the Apostles is explained by the influence of their environment, and that Jesus did not trust his ministry to his mother or other women because of cultural circumstances.¹⁰³ Claiming that no one has ever proven that this attitude is only inspired by social and cultural reasons,¹⁰⁴ the Sacred Congregation pointed out that an examination of the Gospels shows that Jesus broke with the prejudices of his time by widely contravening the discriminations practiced against women.¹⁰⁵

The Sacred Congregation also examined Paul's rules regarding women, and noted that these rules were probably inspired by the customs of the time.¹⁰⁶ They concluded that the rules were disciplinary practices of minor importance with no normative value.¹⁰⁷ However, Paul's forbidding of women "to speak" in the assemblies is of a different nature.¹⁰⁸ Scriptural analysts find that Paul did not oppose the right of women to prophesy in the assembly,¹⁰⁹ but that the prohibition only concerned the official function of teaching in the Christian assembly.¹¹⁰ The Sacred Congregation asserts that, for Paul, this rule was part of the divine plan of creation, not an expression of a cultural fact.¹¹¹ Culturally, in Paul's time, man and woman were spiritually equal in salvation and accountability to God at judgment day.¹¹² Furthermore, Paul wrote one of the most vigorous New Testament texts on the fundamental equality of men and women as children of God in Christ.¹¹³ There is no evidence of Paul's prejudices against women, especially in light of the trust he shows towards them and the assistance he receives from them in his ministry.¹¹⁴

103. *Declaration, supra* note 28, at 521.

104. *Id.*

105. *Id.*

106. *Id.*

107. An example is the obligation imposed upon women to wear a veil on the head. 1 *Corinthians* 11:2-16.

108. *Declaration, supra* note 28, at 521 (citing 1 *Corinthians* 14:34-35; 1 *Timothy* 2:12).

109. *Id.* (citing 1 *Corinthians* 11:5).

110. *Id.*

111. *Id.* (citing *Genesis* 1:28, wherein man and woman are partners who, in the image of Adam and Eve, are to be fruitful, multiply, fill the earth and subdue it, and have dominion over living creatures upon the earth).

112. *Romans* 8:14-16; *Romans* 14:12

113. *Declaration, supra* note 28, at 521 (citing *Galatians* 3:28).

114. *Id.*

The confidence and trust that Paul placed in the women of the early Church is quite evident in his writings. In Paul's eyes men and women were spiritually equal as children of God, a point which the Sacred Congregation chooses to minimize, while exaggerating minor points such as Paul forbidding women "to speak" in the assemblies. For the Sacred Congregation to declare an agreement with Paul's view of women would be an ambiguous but honest assessment of the situation.

Another argument advanced by those in favor of women priests is that the Church has power over the sacraments and therefore has the power to change who administers them.¹¹⁵ The Sacred Congregation refutes this argument, noting that because the Church's power has limits, the Church has no power over the substance of the sacraments.¹¹⁶ It is further noted that the sacramental signs are not conventional ones; in many respects, they are natural signs "because they respond to the deep symbolism of actions and things."¹¹⁷ Additionally, they are principally meant to link people through the ages to the supreme history of salvation so that all may understand through biblical symbolism what grace these sacramental signs signify and produce.¹¹⁸ Sacraments are instituted by the Church and are effective by virtue of the Church's intercession. Institution and alteration of them is reserved to the Holy See.¹¹⁹

The Sacred Congregation stressed that the priestly ministry is not just a pastoral service, but that it ensures the continuity of the functions entrusted by Christ to the Apostles and the continuity of the powers related to those functions.¹²⁰ Therefore, adaptation to civilizations and times is only permissible if it does not abolish the sacramental reference to Christ and to events that constitute Christianity. The Sacred Congregation noted that the Church, through the voice of its leaders, decides what can change and what must remain unchanged.¹²¹ During these decision-making processes the Church is bound by Christ's manner of acting which represents the Church's attitude of fidelity.¹²² According to the *Declaration*, the Church "makes pronouncements in virtue of the Lord's promise and the presence of the Holy Spirit to better proclaim and

115. *Id.*

116. *Id.* Pope Pius XII interprets this as power over what Christ the Lord determined should be maintained in the sacramental sign. *Id.*

117. *Id.*

118. *Id.*

119. See Catholic Online website at <http://www.Catholic.org/Clife/prayers/sacrament.php> (last visited Apr. 10, 2003).

120. *Declaration*, *supra* note 28, at 522.

121. *Id.*

122. *Id.*

safeguard the mystery of Christ.”¹²³ According to the Sacred Congregation, the fact of conferring priestly ordination only to men is a question of maintaining an unbroken tradition throughout the history of the Church.¹²⁴ Based on Christ’s example, this normative practice continues to be observed because it is considered to conform to God’s plan for the Church.¹²⁵

The Sacred Congregation further proposed that the human sciences cannot grasp the realities of faith and its supernatural elements because the Church is a society different from other societies.¹²⁶ The pastoral charge is not an election by the people; it is the laying on of hands and the prayer of the successors of the Apostles, which guarantee God’s choice.¹²⁷ The Holy Spirit, by ordination, grants participation in the ruling power of Christ to men created in the image of Christ.

Because of this pastoral charge to men, the Sacred Congregation cannot see how it is possible to propose the admission of women to the priesthood by virtue of the equality of human rights.¹²⁸ Those who support the notion of allowing women to be ordained priests point to *Galatians* 3:28, which says that in Christ there is no longer any distinction between men and women.¹²⁹ The Sacred Congregation rejected this proposed justification because the passage does not concern ministries, but affirms the universal calling to divine brotherhood.¹³⁰ Furthermore, they argue that deeming the ministerial priesthood a human right would be to misjudge its nature completely.¹³¹ Ordination is not for the honor or advantage of the recipient, but for the service of God and the Church.¹³² It is a specific and gratuitous vocation delegated to men just as Jesus chose the Apostles.¹³³

Concluding its discussion of why the Church does not consider itself authorized to admit women to priestly ordination, the Sacred Congregation notes that personal inclination is not enough.¹³⁴ The Sacred Congregation states:

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.* at 523.

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.*

132. *Id.*

133. *Id.*

134. *Id.* (citing *Mark* 3:13).

Christ chose “those he wanted.”¹³⁵ On the other hand, there is a universal vocation of all the baptized to the exercise of the royal priesthood by offering their lives to God and by giving witness to his praise.

Women who express a desire for the ministerial priesthood are doubtless motivated by the desire to service Christ and the Church. And it is not surprising that, at a time when they are becoming more aware of the discriminations to which they have been subject, they should desire the ministerial priesthood itself.

But it must not be forgotten that the priesthood does not form part of the rights of the individual, but stems from the economy of the mystery of Christ and the Church. The priestly office cannot become the goal of social advancement; no merely human progress of society or of the individual can of itself give access to it: it is of another order.¹³⁶

In summary, the Congregation believed that the Church has received the charge and control of the priesthood because Christ wanted to choose male disciples to be the first priests, and that, although women desire to enter the priesthood, they are confusing this desire to become part of the mystery with the socio/political issue of equal rights.¹³⁷

The Church has advanced employment opportunities for women in almost every other area except the ministerial priesthood.¹³⁸ These expanded opportunities, along with the trend-setting example of other Christian sects to ordain women into priestly ministry, should encourage the Church to alter its tradition accordingly. As many religious groups do, the Church has interpreted the Bible in favor of its espoused position.

However, those called to priestly ministry are chosen by God, and God alone. By not permitting women to enter the priesthood, Catholic constant tradition and doctrine simply impede the process by which God might choose those to represent His word.

135. *Id.*

136. *Id.*

137. *Id.*

138. For a more indepth discussion of the Church’s position on the manner in which it utilizes the skills of women in areas other than the priesthood, see *Pacem in Terris*, *infra* note 140.

V. IS THE CHURCH CONTRADICTING HERSELF?

The sentiments expressed by the Sacred Congregation have also been expressed by Church leaders before and after the Declaration.¹³⁹ Pope John XXIII indicated in 1963 that women's part in public life was among the characteristics that identified the present age, and that this was a development that might have been more rapid among Christian nations.¹⁴⁰ In 1995, the Pope thanked women for that they women have done, apologizing for the Church's failure to always recognize these contributions.¹⁴¹ He praised women's historic contributions to the Church and society as mothers, wives and social leaders.¹⁴² The Pope urged changes to make women's equality a reality in today's world, calling for equal pay for equal work, protection for working mothers, fairness in career advancement and equal family rights for men and women.¹⁴³ He further elaborated on the genius of women, attributing to them some specific gifts, such as an ability to "see persons with their hearts" independent of ideological or political systems,¹⁴⁴ a willingness to give themselves generously to others,¹⁴⁵ and a natural "insight" that helps make human relations more honest and authentic.¹⁴⁶

The statements contained in this letter directly contradict the Church's position that women are not to be ordained to the priestly ministry as all of these highly praised attributes are characteristics one would expect to find in a priest. Pope John Paul made further contradictory statements regarding the unappreciated dignity of women. Recognizing that such unappreciation was largely a product of historical conditioning, the Pope apologized for historical occasions where women have been marginalized and, at times, reduced to servitude.¹⁴⁷ Pope John Paul reflected the Church's teaching about the equal treatment of women. He wrote, "when it comes to setting women free from every kind of exploitation and domination, the Gospel contains an ever relevant message which goes back to the attitude of Jesus Christ himself" who treated women with openness, respect, acceptance, and tenderness.¹⁴⁸

139. See *Declaration*, *supra* note 28.

140. The Encyclical Letter, *Pacem in Terris*, from Pope John XXIII (April 11, 1963), in 9 THE POPE SPEAKS 13 (1963).

141. Pope John Paul II, *Letter to Women*, 25 ORIGINS 137, 139 (1995).

142. *Id.* at 139.

143. *Id.* at 140.

144. *Id.* at 143.

145. *Id.*

146. *Id.*

147. *Id.* at 139.

148. *Id.*

In addressing the issue of permitting women to enter the priesthood, the Pope said men and women rightly have a diversity of roles in society and the Church reflecting their complementary natures.¹⁴⁹

He noted, however, that the all-male priesthood does not detract from the role of women and is not a sign of male domination, but reflects Christ's choice to entrust only to men this ministerial task.¹⁵⁰ Pope John Paul II felt that the Church should do a better job of making it clear that the priesthood is not about domination but service.¹⁵¹

Statements by various Church leaders praising women and their historical contributions, emphasizing their importance in public life, and stressing the ideal harmony that will result from eliminating gender bias, directly contradict the statement by the Sacred Congregation that insists the Church cannot authorize the ordination of women as priests.

Pope John Paul refuses to admit that the Church's opinion of an all-male priesthood is chauvinistic. The Pope ignores the fact that, though the scriptures record Jesus choosing all male disciples, he also had many female followers throughout his final three years of ministry. Women were the first to know of Christ's resurrection, and women were also present in the upper room when Christ appeared to the disciples after his death and resurrection. If, as the Pope insists, the priesthood is about service, then women have proven themselves historically to be quite diligent in service to Christianity, and demonstrated that they are quite capable of serving as priests. The Church would make great strides towards eliminating discrimination based upon sex if it would change its position.

VI. MODERN SOCIAL CHANGE

Today, an increasing number of clergy members and other individuals are speaking out in favor of ordination for women. In a broadcast on Vatican Radio in January 2000, Father Roy Bourgeois is quoted as saying:

. . . [I] think it's time to try somethin[g] new. For 2000 years, the men have been in charge, and the men haven't done the job. We need to bring in the women in the Church. . . . We can't be healed unless we get our women . . . to address the sufferin[g] of the poor. We need women priests, we need women bishops, to take

149. *Id.* at 141.

150. *Id.* at 142.

151. *Id.*

leadership positions in every Church office. When women get their voice in the Church, we will have more justice in the world.¹⁵²

On June 29, 2002, Romulo Antonio Braschi, founder of a schismatic community, attempted to ordain seven Catholic women to the priesthood.¹⁵³ In August 2002, the Church excommunicated the women.¹⁵⁴ The Vatican characterized the ordination as “a serious attack on the unity of the Church.”¹⁵⁵ It further stated that “[s]uch an action is an affront to the dignity of women, whose specific role in the Church and society is distinctive and irreplaceable.”¹⁵⁶

In response to these attempted ordinations, the Congregation for the Doctrine of Faith issued a Decree on July 10, 2002.¹⁵⁷ The Decree confirmed that the ordaining bishop was already excommunicated because he was a schismatic.¹⁵⁸ It also expressed the concern of the Members of the Congregation about the gravity of the offenses committed, stating that the penalty of excommunication had been imposed after the guilty parties had been duly warned.¹⁵⁹ The Congregation felt that the penalty was not only just, but necessary to protect true doctrine, to safeguard the communion and unity of the Church, and to guide the consciences of the faithful.¹⁶⁰ The women appealed the decision, but the Vatican rejected their appeal because of the “gravity of the offenses committed.”¹⁶¹

Politicians and women’s groups have become champions of the struggle to have the Church ordain women as priests.¹⁶² Women’s rights

152. *Interview with Father Roy Bourgeois* (Vatican Radio 2000).

153. Cardinal Joseph Ratzinger, *Declaration, Congregation for the Doctrine of the Faith*, L’OSSERVATORE ROMANO, July 10, 2002, at 11, available at <http://www.ewtn.com/library/CURIA/CDFMONTM.HTM>.

154. *Id.*

155. *Id.*

156. *Id.*

157. See Women of Faith & Family website at <http://wf-f.org/CDFOrdination.html> (last visited Apr. 10, 2003).

158. *Id.*

159. *Id.*

160. *Id.*

161. *Vatican Stands Firm on Women Priests*, BBC NEWS, WORLD EDITION, Jan. 27, 2003, available at <http://news.bbc.co.uk/2/hi/europe/2699101.stm> (last visited Apr. 15, 2003) (on file with MARGINS: Maryland’s Law Journal on Race, Religion, Gender and Class).

162. For example, Senator Edward Kennedy came out in favor of the ordination of women in the fall of 1994, stating, “I count myself among the growing number of Catholics who support the ordination of women as priests.” James Franklin, et al., *Kennedy Backs Movement for Women Priests*, BOSTON GLOBE, Sept. 7, 1994, at 1. In his statement, Senator Kennedy praised the Church leadership for increasing the role of women, noting that his position might offend some conservative Catholics. *Id.*

groups contend that Christ was merely following the cultural norms of his time when he chose only men as his Apostles.¹⁶³ They protest that the Church should now accept the modern notion that women deserve to be accorded equal respect and treatment as men. In October 1994, a group of American nuns defied local law and marched on the Vatican to protest the Pope's adamant refusal to alter the Church's male-dominated hierarchy and empower women with greater rights, including ordainment to the priesthood.¹⁶⁴ In December 1995, nuns called for a national day of prayer and fasting in the wake of the Vatican restating its ban on female priests.¹⁶⁵ This effort was an attempt to have the Church follow through on Pope John Paul II's recent appeal for economic, political and social progress for women.¹⁶⁶

VII. CAN THE COURTS DO ANYTHING TO FURTHER THIS CAUSE?

The difficulty in relying on the law to further this cause lies in the hardship of finding an approach. The government must protect the rights of individual but also protect the free exercise of religion. The Free Exercise clause makes the government reluctant to interfere with religious ideals to avoid Constitutional conflict.¹⁶⁷ The First Amendment clearly states, "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof."¹⁶⁸ In an early Supreme Court case, the Court noted that by becoming a member of a religious Sacred Congregation, one consents to an implied voluntariness with regard to the practices of that Sacred Congregation, especially concerning ministerial practices.¹⁶⁹ Further, the Court noted, because of the very nature of the religious framework, one cannot expect to seek remedy in a secular court for decisions made by the religious body with which they might disagree.¹⁷⁰

One possible avenue for judicial intervention is through women's entitlement to equal employment opportunities and the Church's denial of

163. *Declaration*, *supra* note 28, at 519.

164. William Drozdiak, *Nuns, Bishops Clash at Vatican Over the Role of Churchwomen*, WASHINGTON POST, Oct. 27, 1994, at A33.

165. Virginia Culver, *Nuns Call for Fast after Restatement of Female Priest Ban*, DENVER POST, Dec. 6, 1995, at A11.

166. *Id.*

167. U.S. CONST. amend. 1.

168. U.S. CONST. amend. 1.

169. *Watson v. Jones*, 80 U.S. 679 (1871).

170. *Id.* at 729.

such, including protections granted under Title VII.¹⁷¹ Title VII specifically states “it shall be unlawful employment practice for an employer . . . to discharge any individual, or otherwise discriminate against any individual . . . because of such individual’s race, color, religion, sex, or notional origin.”¹⁷² There is, however, a ministerial exception to Title VII that states that religious institutions are except from Title VII anti-discrimination laws for occupational qualifications of the institution.¹⁷³

Courts in the past have held that government entanglement with religious doctrine is not appropriate when it comes to doctrinal interpretation.¹⁷⁴ One recent example of this is the case of *Rockwell v. Roman Catholic Archdiocese*.¹⁷⁵ In that case, a female Catholic brought suit against several religious entities as well as the commissioner of the Internal Revenue Service of the United States for sex discrimination under Title VII.¹⁷⁶ The complainant wrote a letter to her local diocese to apply for training to enter the priesthood.¹⁷⁷ She was rejected due to the fact that the Catholic Church does not ordain female priests.¹⁷⁸ She additionally was threatened excommunication from Pope John Paul II in a letter dated May 28, 1998.¹⁷⁹

Rockwell alleged that such a discriminating doctrine violated her free speech and exercise rights, and further, that the IRS violated the IRS Code by the tax exemption afforded to this discriminating Church.¹⁸⁰ The court in *Rockwell* stated that, because the Church was exercising its prerogative to choose its ministers, “the ‘ministerial exception’ to Title VII would prohibit [it] from entertaining that gender discrimination action the court.”¹⁸¹ The court went on to state that the exception did not deprive the court of subject matter jurisdiction. Rockwell’s Title VII claim survived the preliminary review and the court ordered the claim served on the defendants.¹⁸²

171. 42 U.S.C. §2000e (1966)

172. §2000e.

173. §2000e-1.

174. *Rockwell v. Roman Catholic Archdiocese*, 2002 DNH 151, 2002 U.S. Dist. LEXIS 14416, at **6 (2002) (D. N.H. Aug. 5, 2002).

175. *Id.*

176. *Id.* at **1.

177. *Id.* at **3.

178. *Id.*

179. *Id.* at **3-4.

180. *Id.* at **4.

181. *Id.* at **7 (citing *Bollard v. Cal. Province of the Soc’y of Jesus*, 196 F.3d 940, 950 (9th Cir. 1999)).

182. *Id.* at **7 n.2.

The court next addressed Rockwell's claim under §1983. A claim under §1983 requires that one show a deprivation of a Constitutional right, and that the person causing the deprivation did so under color of law.¹⁸³ The court found no support of Rockwell's §1983 claim and dismissed it for failure to establish subject matter jurisdiction.¹⁸⁴ Finally, the court dismissed her challenge of the Church's tax-exempt status for lack of standing.¹⁸⁵ In a *sua sponte* opinion, the court dismissed Rockwell's Title VII claim based on the ministerial exception upholding the Court's reluctance to risk entanglement.¹⁸⁶

The court in *EEOC v. Roman Catholic Diocese*¹⁸⁷ directly addressed the issue of entanglement that the *Rockwell* court avoided.¹⁸⁸ The Court of Appeals affirmed the lower court's dismissal of a female music director's claim against her parish for sex discrimination.¹⁸⁹ The court held that the functions of appellant's duties were "integral to the spiritual and pastoral mission of [the church]" and thus survived the ministerial exception.¹⁹⁰ Similarly, the Court of Appeals for the First Circuit held that religious bodies shall be "free from state interference" with regard to those matters pertaining "to church government, faith, and doctrine."¹⁹¹ The court held further that those whom the Church deems responsible for spreading its word and teachings ultimately are responsible for the fate of the church, and civil courts have no place in making such determinations.¹⁹²

Courts have not determined that all matters concerning religious functions and employee positioning are "off limits" from court discretion. In one case, a female applicant for the position of Roman Catholic chaplain at a Veteran's Administration hospital [hereinafter VA] brought a Title VII action challenging the VA's requirement that chaplains serving in VA hospitals be ordained clergymen.¹⁹³ The District Court held that the VA's requirement that chaplains be ordained clergymen discriminated on the basis of sex and entered a judgment for the plaintiff.¹⁹⁴

183. *Id.* at **8-9.

184. *Id.* at **11.

185. *Id.* at **13.

186. *Id.* at **2.

187. 213 F.3d 795 (4th Cir. 2000).

188. *Id.*

189. *Id.* at 797.

190. *Id.* at 805.

191. *Natal v. Christian & Missionary Alliance*, 878 F.2d 1575, 1577 (1st Cir. 1989).

192. *Id.* at 1578.

193. *Murphy v. Derwinski*, 776 F. Supp. 1466, 1472 (D. Colo. 1991).

194. *Id.*

The requirements for the chaplain position were: (1) one must have fulfilled the studies required by one's denomination at an approved seminary; (2) one must be ordained in one's denomination as a minister, priest or rabbi, with three years of pastoral experience; (3) one must be endorsed by one's denomination; (4) one must be rated by the VA Board of Excepted Service Examiners; and (5) if all the above are fulfilled, then the candidate will be considered for vacancies in the VA system.¹⁹⁵ The female applicant was told that "up to this time the Roman Catholic Church authorities will not ordain women as priests and will endorse only duly ordained men for the VA Chaplaincy."¹⁹⁶ The female applicant was denied the position based on the requirement that the applicant be ordained clergy possessing ecclesiastical endorsement from Church officials.¹⁹⁷ Denying the VA's motion for summary judgment, the court concluded that "[c]ourts should not put themselves in the position of predicting what a church or religious group will do when presented with a new or unfamiliar situation."¹⁹⁸

The court granted judgment in favor of the claimant on her sex discrimination under Title VII of the Civil Rights Act.¹⁹⁹ In stating the reasons for this decision, the court addressed the VA's assertion that if ordination were not required, it would not be able to accommodate the needs of its patients by providing the full range of religious services.²⁰⁰ The VA also asserted that VA chaplains must be able to administer sacraments, and only ordained priests were qualified for those duties.²⁰¹ The court pointed out that the Constitution does not allow the courts to intervene if the Roman Catholic Church chooses not to ordain or endorse women.²⁰² However, the VA could ensure that its patients received religious services that the Catholic Church deemed sufficient without discriminating against women by removing the ordination requirement and requiring only ecclesiastical endorsement.²⁰³ The court found that the VA's purpose in enacting the ordination regulation was pretextual, and that another, nondiscriminatory means existed to serve its hiring interests.²⁰⁴ On appeal the District Court's decision was affirmed.²⁰⁵

195. *Id.* at 1468.

196. *Id.*

197. *Id.* at 1468-69.

198. *Id.* at 1472.

199. *Id.* at 1473.

200. *Id.* at 1472-73.

201. *Id.*

202. *Id.* at 1473.

203. *Id.*

204. *Id.*

205. *Murphy v. Derwinski*, 990 F.2d 540 (10th Cir. 1993).

There is a line of reasoning justifying discrimination, based on the right to freely associate.²⁰⁶ Author Jane Rutherford examines this reasoning and describes how the right to choose to associate has been construed to also mean the right to choose not to associate.²⁰⁷ Rutherford describes this theory as follows: if one is unhappy with her religion, she may freely choose to leave it and join or start another.²⁰⁸ Rutherford suggests that this view is flawed because one cannot be expected to feel free or strong enough to leave her entire community or the religion she has embraced her entire life.²⁰⁹ For further illustration of the weakness of this approach, Rutherford likens the formation of a separate Church for women to the separate but equal rationale of *Plessy v. Ferguson*.²¹⁰ Rutherford's analysis of this is an enlightening one with regard to what is really available to women who would like to see women become priests. For the most part, Catholics do not grow up and choose to be Catholic.²¹¹ Catholics are usually born into the religion through family.²¹² Thus, to suggest to someone who has practiced and believed in the Catholic doctrine all her life may simply move on and begin anew, is somewhat unrealistic in that it does not fully account for the deep connections individuals have with their religious beliefs and practices.²¹³

VIII. CONCLUSION

Women today are confronted by a society undergoing profound change. In every area of their lives, women are faced with new role models, liberalized attitudes, economic tensions, employment demands, radical views of the family, and strong social and psychological pressures. The Church is also feeling the impact of social change. The Christian feminist movement, has pointed fingers of accusation at the Church. The movement challenges traditional biblical concepts of marriage, equality, authority, and ordination, causing widespread turmoil. Women have been thrown into confusion over their roles in a liberalized, contemporary society.

206. Jane Rutherford, *Equality As The Primary Constitutional Value: The Case For Applying Employment Discrimination Laws to Religion*, 81 CORNELL L. REV. 1049, 1097 (1996).

207. *Id.*

208. *Id.* at 1097-1102.

209. *Id.*

210. *Id.* at 1101.

211. *Id.* at 1101-02.

212. *Id.*

213. *Id.*

A question remains as to whether the Catholic Church will catch up with the times. It will become increasingly difficult for the Roman Catholic Church to maintain its position in refusing to depart from its constant tradition. There are trends in other religious denominations to further women's liberation in the area of pastoral/priestly ministry. Also, faithful Catholics, both male and female, are rapidly becoming more radical in their thinking and more demonstrative in their actions.

The Church's constant tradition, that priestly ordination can only be conferred upon men, is now on shaky ground. An increasing number of people, including some Roman Catholic Bishops, are speaking out in favor of ordination of women.²¹⁴ Since the establishment of the early Christian Church, women have held significant positions of leadership.²¹⁵ In the Old Testament, women are recorded as queens and judges. In the New Testament, women were listed as faithful followers of Jesus, announcing his resurrection, and establishing the new Christian churches, as told in Paul's epistles.²¹⁶ Scripture tells us that God created men and women as equals in his own image, giving them both dominion over the earth and all living things.

The Church has maintained its constant tradition, conforming to the model left by Jesus. Because Jesus chose only male disciples, the Church is adamant that Jesus meant for only men to be ordained into the priesthood.²¹⁷ The Church must become progressive and recognize the positive value that ordained women can bring to the Church.

The Church can further this progress by recognizing the dignity of women and permitting females to enter the priesthood. Speedy progress in achieving full respect for women and their identity involves more than the simple condemnation of discrimination and injustices, although this is a necessary step. This respect can be won through an effective and intelligent campaign for the promotion of women, concentrating on all areas of women's lives and beginning with a universal recognition of the dignity of women.

Not only must the Church cultivate a new respect for the dignity of women, but the movement must reach the individual members as well. It is extremely difficult to effect positive change on an individual's morals and thinking. However, individual behavior is influenced by positive actions of organized institutions. Courts, private institutions and governmental agencies are gradually becoming more attuned to the issues

214. *See supra* Part VI.

215. *See supra* Part I, II.

216. *See supra* Part II.B-C.

217. *See supra* text accompanying note 33.

affecting women and affirmative solutions to alleviate the social, physical, and psychological abuses that women suffer.

Author David Egner gives some sobering thoughts to achieving the major objectives of the movement to the Christian woman gaining strength to continue her fight for ordination through her study of *The Bible*. Egner writes:

The Christian woman today, striving to honor God and submit to His authority, is in the best position of all to find personal satisfaction in our turbulent world. She'll hear the cry of the feminist voices, but she'll evaluate them by God's Word. She'll hear the call for full equality, for the ordination of women, for the exercise of her full rights, but she'll measure them by her one true authority – the Bible. She'll evaluate her own femininity in the light of God's view of her creation, her role in the home, and her place in the church. And she'll reject every contemporary force that would distort her God-given role, realizing that it would only produce dissatisfaction and cripple her ideal relationships in the home, church, and society.²¹⁸

It is difficult to consider judicial or administrative solutions to this form of gender bias because Church and State matters have traditionally remained separate. As the Court in *Murphy* pointed out, the Constitution does not allow the courts to intervene if the Roman Catholic Church chooses not to ordain or endorse women.²¹⁹ Likewise, government intervention to address the issue is not likely a viable solution. Further, governmental involvement in such decision-making may not only be unconstitutional but ineffective as well. After all, "imprisoning a Catholic cardinal for refusing to hire women priests only creates a martyr. It is unlikely to change behavior."²²⁰

The priesthood, like all other religious vocations, is not an appointment by man, but a calling from God. What God puts into the hearts of those called to serve him should not be doctrinally mandated by the Pope or by organizations like the Sacred Congregation and the Second Vatican Council. The Church has advanced employment opportunities for women in almost every other area except the ministerial

218. *Id.*

219. *Murphy v. Derwinski*, 776 F. Supp. 1466, 1473 (D. Colo. 1991).

220. Rutherford, *supra* note 206, at 1125.

priesthood.²²¹ These expanded opportunities, along with the trend-setting example of other Christian sects to ordain women into priestly ministry, should encourage the Church to alter its constant tradition accordingly. As many religious groups do, the Church has interpreted *The Bible* in favor of its espoused position. However, those called to priestly ministry are chosen by God, and God alone. By not permitting women to enter the priesthood, Catholic constant tradition and doctrine simply impede the process by which God might choose those to represent His word.

221. For a more indepth discussion of the Church's position on the manner in which it utilizes the skills of women in areas other than the priesthood, see *Pacem in Terris*, *supra* note 140.