

Media Release

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Catholics decry modern-day inquisition

An international group of Catholic sisters, priests and lay people, all of whom have been 'delated' (i.e. reported) and subjected to 'examination' by the Vatican's Congregation for the Doctrine of the Faith (CDF), formerly known as the Holy Office of the Roman Inquisition, have said that this body "doesn't reflect the gospel values of justice, truth, integrity and mercy that the Catholic Church professes to uphold" and that are called for by Pope Francis. They also say that the CDF "acts in ways that are out of keeping with contemporary concepts of human rights, accountability and transparency that the world expects from the Christian community and which the Catholic Church demands from secular organizations."

"Can you get justice from a body that acts as investigator, accuser, judge and jury and then imposes the penalty?" spokesman for the group, church historian Paul Collins asks. "And then, if an appeal is made, it is heard by the same people," Collins adds. The accused have to deal with secrecy and anonymity, often having to negotiate with the CDF at third or fourth hand via a network of superiors and bishops. "People are not informed as to who accused them," Collins says, "there is no presumption of innocence, the accused don't know who is judging them with prosecutors acting as judges; they don't even know who their defense counsel is. They are usually never given a chance to defend themselves verbally and in person. Letters go unanswered for months, or are "lost".

"Many of those investigated find the process completely draining, isolating and exhausting because it can involve excommunication and exclusion from ministry. It seems designed to wear you down psychologically. It is completely alien to the values of Christ and the gospels," Collins says.

The group of fifteen, which includes two bishops, prominent theologians, people working in creative areas of ministry, and Catholic writers and broadcasters, have written to Pope Francis and to the Prefect of the CDF, Cardinal Gerhard Müller, asking for an open discussion about the procedures of the Congregation and calling for approaches that respect human rights and the need for free speech, pluralism, transparency and accountability within the church community.

Among those who have signed the letter are two pastorally effective and highly respected bishops, Bishops Patrick Power and William Morris of Australia, one of the United States' most influential moral theologians, Father Charles Curran, long-term minister to gay people and Co-Founder of New Ways Ministry, Sister Jeannine Gramick, SL, prominent systematic theologian, Sister Elizabeth Johnson of Fordham University, New York, Spanish Sister Teresa Forcades, OSB, Benedictine nun and physician, Irish communicators and writers Fathers Tony Flannery, CSsR and Brian D'Arcy, CP, and American Father Roy Bourgeois, priest and human rights activist.

One of those recently investigated by the CDF, Father Tony Flannery, says that "Under the last two popes, as the Church became increasingly centralised, the Magisterium was

understood as the Vatican, or, more specifically, the Curia, and in particular the pre-eminent body within the Curia, the Congregation for the Doctrine of the Faith. But an older understanding, which was central to the Second Vatican Council, has a more complex, wider view of what constitutes the Magisterium. According to this perspective, it consists of the Vatican, the bishops of the universal Church, the body of theologians, and, most significantly of all, the *sensus fidelium*, the good sense of the ordinary Catholic faithful. The Council goes so far as to say that unless a teaching is accepted by the consensus of the faithful it cannot be considered a defined teaching. This is the kind of theology we are trying to get through to the CDF.”

The letter to the CDF’s Cardinal Müller was sent in late-February 2016. As of 18 April 2016 no acknowledgement or response had been received from the CDF. “This,” Collins says, “is par for the course. They don’t even acknowledge letters from people they have ‘examined’ This follows a pattern that is typical of the clerical culture of the church.”

On April 15 Tony Flannery received from his Superior General a copy of "To Promote and Safeguard the Faith", a 2015 publication by the Congregation for the Doctrine of the Faith. It had been sent to him by Archbishop Ladaria, with a request that it be passed on to Tony. While the procedures outlined in this booklet fall far short of what would be necessary for the fair and just treatment of the accused person, it is clear that the experience of the fifteen signatories indicates that in these cases the CDF was not even following its own procedures properly.

Pope Francis has said that: “Christian doctrine is not a closed system incapable of generating questions, concerns, investigation, but it is alive, knows how to disturb, and knows how to animate. It does not have a rigid face. It has a body that moves and develops’ (To Italian bishops and Laity, 9 November 2015). In his recent Apostolic Exhortation *Amoris laetitia* in response to the Synod on the Family, Pope Francis has also said: “Not all discussions of doctrinal, moral or pastoral issues need to be settled by interventions of the magisterium. Unity of teaching and practice is certainly necessary in the Church, but this does not preclude various ways of interpreting some aspects of that teaching, or drawing certain consequences from it. This will always be the case as the Spirit guides us towards the entire truth.”

Our experience is that the Congregation has some distance to go to live up to the Pope’s expectations and his calls for a better approach to deciding doctrinal matters.

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A New Process for the Church and the Congregation for the Doctrine of the Faith

He who is the object of an enquiry should be present at the process, and, unless absent through contumacy, should have the various headings of the enquiry explained to him, so as to allow him the possibility of defending himself. As well, he is to be informed not only of what the various witnesses have accused him of, but also of the names of those witnesses. (Fourth Lateran Council, 1215)

Introduction

Nowadays it is widely agreed in the church that the processes and procedures of the Congregation for the Doctrine of the Faith (CDF) are contrary to natural justice and in need of reform. They represent the legal principles, processes and attitudes of the absolutism of sixteenth and seventeenth century Europe. They don't reflect the gospel values of justice, truth, integrity and mercy that the church professes to uphold. They are out of keeping with contemporary concepts of human rights, accountability and transparency that the world expects from the Christian community and which the Catholic Church demands from secular organizations. The purpose of this proposed new approach is to reflect the attitude of Jesus (Matthew 18:15-17) and to integrate values that the world sees as basic to a functioning, civilized society.

Principles Underlying any New CDF Process

Underlying any church procedures must be a set of principles that involve a just and equitable process, accountability on the part of the CDF and Bishops' Conferences, the presumption of sincerity, innocence, and loyalty to the church on the part of the person being investigated, as well as transparency and the wider involvement of the local Catholic community and the Synod of Bishops representing the universal church. The process appended to this set of principles tries to avoid some of the worst aspects of the present CDF's investigations as experienced by the signatories and others who have been involved in dealing with the CDF over the last decades.

1 The basic principle must be to avoid anonymous denunciation by person(s) unknown to those being investigated. By naming them publicly, you stop frivolous claims by often totally unqualified individuals or organizations.

2 The same applies to the secret CDF appointed consultants. Consultants need to be named and their qualifications or otherwise in the area under consideration, be scrutinized. This also gives the one being investigated a chance to know the biases and expertise/training or otherwise of each of the consultants appointed by the CDF.

3 The whole issue of enforced secrecy and the often crippling isolation of the person being investigated must be circumvented by the CDF being made to deal directly and personally

with them. They should be no longer be dealt with at third and fourth hand via a network of bishops and superiors – who might even have been the primary accuser of the person being investigated in the first place.

4 People being investigated have very often found that their work is inaccurately or unfairly interpreted by CDF consultants, or sentences or opinions are taken totally out of context and that the qualifications that they have made are completely ignored. Consultants they have never heard of, or are completely unknown to them, become the sole arbiters of the correct interpretation of their work. Even opinions they don't hold are attributed to them. The involvement of the persons being investigated and their counsel from the beginning to some extent circumvents this. It also makes sure that consultants, whose sole experience is of the Roman schools of theology with its emphasis on propositional approaches to doctrinal positions, are challenged, and are not accepted as normative for those working on the prophetic edge of theological and ministerial frontiers.

5 People under investigation have often complained of the sheer rudeness and lack of even basic politeness – let alone Christian charity - on the part of CDF personnel. Letters are ignored, or lost. Processes are dragged out in an attempt to wear down the resistance of those being investigated. Even extremely sick or dying people have been investigated and forced to respond to often silly accusations. Strict time limits and direct personal face-to-face communication would circumvent this. With supporting counsel present and the knowledge that all documentation and the names of accusers and all personnel involved will be revealed to the wider Catholic community and the media will bring about at least some measure of accountability which at the present moment is totally lacking in CDF processes.

6 The process must prevent the same people acting as investigators, prosecutors and judges. By referring on-going cases to the Synod of Bishops the process takes decision-making out of the hands of CDF, and re-situates the views under investigation within the broader cultural context in which they were first articulated.

7 The wider community of theologians, the faithful people of God and the *sensus fidelium* are involved in the discernment of the faith and belief of the church. No longer should the CDF and its Rome-based advisers be the sole arbiters of correct doctrine and belief.

8 The process should be no longer characterized by the absolutist presumptions of an antiquated legal system that has nothing to do with the Gospel. The process should be tempered by the mercy and forgiveness of God, and by the open dialogue that should characterize the community of Jesus. It integrates something of the contemporary emphasis on human rights and the need for free speech, pluralism, transparency and accountability within the church community.

Signatures:

Dr Paul Collins, writer and broadcaster, Australia

Rev Charles Curran, Scurlock University Professor of Human Values at Southern Methodist University, Dallas, USA

Rev Roy Bourgeois, priest and activist, USA

Rev Brian D'Arcy CP, writer and broadcaster, Ireland
Rev Tony Flannery CSsR, writer and broadcaster, Ireland
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