FREEDOM IN THE CHURCH

Conflicting Horizons[1]

By JACQUELINE HAWKINS

'OH REALLY. IS THAT FREEDOMS WE HAVE or freedoms we haven't?' queried a colleague pointedly when he heard what I was writing about. 'It'll be a short article,' was another tart comment. Both speakers reflected the awareness of unreasonable limitations on freedom in the Church, an awareness which lurks not far below the surface for so many of the baptized today. Yet to have any meaning, freedom must have boundaries; in any institution those boundaries will be laid down in some ordered form.

The human sciences have shown us that to survive through time any institution must take account of the dynamics of human development, internal and external, which bear on its life and goals. These dynamics will affect, among many other things, the boundaries to and consequently the perception of freedom within that institution. Freedom, therefore, is likely to have different meanings at different points in the history of any defined group. The sometimes ferocious disagreement between members of the same Christian traditions about what is appropriate to or permitted within the boundaries of Christian freedom today seems to me entirely in keeping with the rate and scale of change in our understanding of creation in general, and of the human condition in particular. The reality of human frailty is revealed in the varying capacity of both individual believers and religious institutions to integrate these changes into their theological understanding, belief and practice. The understanding of believers is rooted in 'conflicting horizons', as Ladislas Örsy has so aptly named it. Feelings run very high among two groups of deeply committed members of the Roman Catholic Church: those who feel that freedoms and boundaries are clearly defined in some immutable way and those who have experienced the paradigm shift in the concept and living out of Christian freedom following Vatican II. Between them on the spectrum lie the majority, many unconcerned, others uneasy and puzzled. Painful and disturbing as it may be, this is the natural state of affairs in the evolution of the Church as an institution and our faith as the search for truth following the fundamental shift of our theological horizons brought about by Vatican II. The way to deal creatively with the

inevitable, it seems to me, is to understand it, rather than to deny or resist it.

My intention is to look at what underlies the widespread unease that the institutional Church's version of freedom no longer reflects gospel values as many believers experience them today. Some specific instances of individuals who have come into serious conflict with the institution over precisely what freedoms they may exercise are documented, available and enlightening, but they are not within my remit. Among them, Bernard Häring's slim volume, 'My witness to the Church',[2] makes sombre reading. My reflections, too, are concentrated on the experiences of freedom as rooted in Vatican II because they are what challenge the *status quo*.

The essence of the difficulties lies in the inherent tension between experiential development and codifying order,[3] that is, in church terms, between theology and canon law, or, put in another way, between Church as *communio* (as recovered at the Council) and Church as *societas perfecta* (the pre-Council model).[4] Theology and canon law may sound a deadly duo but in fact they underpin the dynamic of the conflicting understandings of freedom among believers, and the tension between them is exciting and challenging if understood positively. Their relationship is organic and the combination of the two creates the framework of our Christian spirituality. The very mention of canon law, however, almost always induces an instant glazing over of the eyes, a hasty exit or, in the case of a journal, the rapid passing on to the next article. This is a pity, because common sense indicates that any discussion of freedom will involve reference to an institution's codified boundaries which are there to define the values and objectives of that organization and the means to achieve them.[5] For the majority of the members of the Church, however, canon law represents the experience or threat of penalty or oppression. Unless you are fortunate enough, as I have been, to be tutored by a canon lawyer who works with the Code as the major pastoral tool to implement the spirit of Vatican II,[6] the average encounter with the Code is enough to sink spiritual desire, not buoy it up. It is not widely perceived as a prop and nourisher of spirituality! But to understand much of the disagreement in the Church today, it is vital to understand canon law as situated in the wider scheme of things.

Theology and canon law: what is the relationship between them? Örsy describes theology as speaking of what we know about God; this knowledge has two sources: direct self-revelation by God and our efforts to understand experiences of God. Canon law, on the other

hand, is radically different: 'it is outward looking . . . rules for action are formulated, promulgated and imposed. Canon law seeks to serve the mysteries, not understand them.'[7] And there, it seems, is the rub. The mysteries and the consequent values they point to are understood very differently by different members of the Church: we see the same constituents of faith against conflicting horizons. Exactly who is looking at which horizon is far from clear too; it is not the laity versus the clergy, or canon lawyers and the hierarchy versus the rest. There are lay people, clergy, canon lawyers, bishops and cardinals together along the spectrum, with representatives of them all at each end. And nor is the idea that we have much to learn about the dynamic relationship between theology and canon law anything new; Paul VI called for a new habit of mind, *novus habitus mentis*, in understanding it.[8]

For any community the meeting point of experience and law is that of values. Laws are made as instruments to appropriate the values which are necessary to a community. 'An integrated community is one that has the capacity to know the values it needs and has the strengths to obtain them.'[9] At present, the Roman Catholic, or indeed Christian community, is not integrated precisely because there is no agreement on the understanding of values. Faith and religious boundaries must be determined by the whole community; integrity cannot come any other way. Faith boundaries must be in touch with the grass roots, that is the origin of faith: experience of the living Christ. In the Roman Catholic Church at present there are no structures to facilitate this communication. Schillebeeckx describes the basis of this disjunction in the reflective processes of the Church in his chapters on the laity in *The mission of the Church.* Maturity in faith has far outrun maturity of order. Christian Duquoc sums up the situation in harsh but accurate terms:

> (The Church) reaches a state tantamount to schizophrenia, on the one hand by inspiring people to be creatively responsible in the world, and on the other hand by forcing people into archaic ethical and disciplinary moulds by rejecting any democratic discussion of matters which concern all baptized persons.[10]

The conflict can be portrayed as one about respect and dignity. Our relationship as equals in baptism, as established at the Council, remains contradicted by the unreformed structures and order of the Church. This difficulty has been so widely discussed and accounted for by the Council documents being rightly described as 'partial', 'transitional'

and 'only the beginning', one wonders why it is such a problem that there are problems. The Church has always been evolving. It was not created complete any more than any person or human community is; it has to learn to grow in grace and wisdom, work at integration. What one might expect is that the Church handles such growth better than other human agencies, with the example of Christ as its model and the presence of the Spirit as its guarantee from fatal error. The highest authority in the Church said so itself, and has been endlessly quoted, '. . . ever holy and ever in need of reform'.[11] In fact, through contemporary 'hostistic' management styles many secular institutions make far greater attempts to respect individual dignity than the Church (even if the failure rate is high). Why, when the understanding of the Church's history has never been so available, does authority choose to disregard it so often? Change has always come from the grass roots and filtered its way upwards, emerging after a significant time-lag into the official teaching of the Church. From time to time believers have always been freed by the Spirit to act 'against' the order of the day in order to bring about change, their particular enlightenment eventually being offered for the good of the whole Church.[12] Jesus himself is the supreme prophetic dissenter against the dead letter of religious legalism. Although, as a community of faith, we attribute this dynamic to the Spirit, this process of change in a human organization (which is what the Church is in developmental terms) can be documented and understood in various ways: developmental psychology; group dynamics; organizational and management theory. Wisdom is plentiful in how to handle it.[13]

At the personal level where does the state of unease with the present institutional order come from and why are so many believers so resistant to being 'called to order'? Many members of the people of God who have been offered and responded to the vision of Vatican II theology have discovered for the first time a taste of true spiritual freedom and growth. These people have encountered their God so intimately and directly that their boundaries of faith have shifted dramatically. They have discovered a potential in themselves as disciples of Christ and witnesses of the sacred that is nothing short of thrilling – at least to start with. The freedom they experience in this newly-discovered God leaves the boundaries of their previous understanding looking confining, unimaginative and, above all unchristian. The constrictions with which they once lived now seem at odds with the gospel call, gospel values and the generosity of the Spirit. However, their new experience of freedom is not reflected in the order to which

they are called to subscribe. In terms of church order, these people are responding intuitively to the uneven revision of canon law of 1983, the reasons for which we shall touch on later. And this group is growing rapidly as opportunities for faith formation and catechesis multiply. They experience spiritual freedom too strongly to surrender it easily or let their renewed image of God be eclipsed.

Where has this spiritual confidence, this new awareness of freedom that challenges the old Church order at its heart, come from? The challengers – prophets or rebels, according to your horizon – have become believers in a different way: their faith has put out much deeper roots, they have interiorized beliefs which were previously marked by external rituals and conformity to universal injunctions; they have experienced God in a transforming way. Theirs is a conversion precipitated by the reforms of Vatican II. They have the confidence of conviction rooted in personal experience of God. They have discovered the reality of their identity as members of the Church as *'communio'* as well as being part of the *societas*.

These are not people of casual commitment who want unbridled licence or to behave as freelance Christians. On the contrary, they are responding more deeply to the gospel call to live life to the full, to the abundance promised by God. With their new freedom they have discovered a far more rigorous faith, with many more and more far-reaching questions than the old freedoms allowed for, and very few answers. The questions their deepened faith allows them to ask, particularly about moral issues, are a source of major challenge to traditionalists. 'One of the weaknesses of a reductionist culture' (such as authoritarianism or legalism) 'is the poverty of its questions'.[14] They are learning that deep understanding comes slowly, with experience – and that cannot be rushed. There are no neat answers. Nor do these people want to be without authority and order – but they rightly understand that they should be able to contribute to the making of those laws, understand and agree to the values they embody, and assent to their implementation. They want a proper exercise of power and authority according to gospel values, exercised by leaders whom the community have a positive share in recognizing.

They have discovered that their life of belief demands more faith, not less; is more precarious, not less. And with growing momentum they are discovering that they are not alone: 'truth-seeking questions create a natural solidarity'.[15] These believers have far more of themselves invested in this life of discipleship; they are mature believers seeking mature community. They have discovered 'the nature of

freedom in its most profound sense . . . as love, as the capacity for self-communication, as the spontaneous impulse to minister and not be ministered to, as the outgoing will to communion with the others.'[16]

Many factors have contributed to this maturing of faith and sense of confidence; possibly the most significant is education. Where it exists universal education has transformed people's capacities to take part in and judge the societies in which they live, as well as the expectations they have of themselves and others in all the diverse contexts of their lives. Matters of justice and accountability, rights and duties, impinge on the public consciousness on a daily basis: in one guise or another, freedom is a constant issue. Any western Christian spontaneously exercises a substantial number of rights and duties in the normal course of daily life. We live in a culture with a well-developed sense of personal autonomy (both individually and as groups) which is both cause and effect of the huge growth in the understanding of self-development. As part of this understanding integrity and authenticity are put forward as central moral values. However imperfectly realized or understood there is an awareness of the need to be human, singly and together, in a much more holistic sense. This is the world believers inhabit outside the institutional Church, one of the 'signs of the times' fully recognized at the Council.[17]

This greater sense of integration as human beings cannot be laid aside at the church door – indeed, why should it be? Surely as disciples of the God who was revealed in the Incarnation our desire and aim is to become more whole, more positively human? This involves an appropriately enriched sense of freedom, spiritually as in every other way. Moreover, it is inevitable for a believer that personal insight becomes complementary to deeper insight into the things of God because both are about mystery and complementarity.[18] Attempts to dismiss this more mature sense of self as an extension of the individualism abroad in 'the world' is not upheld by work on the process of religious knowing.

> The religious approach to self-knowledge is characterized by a sense of mystery, of patiently coming to know something deep and rather inaccessible . . . There is no conflict between seeking self-knowledge and knowledge of God.[19]

Nor is challenging the limitations of traditional freedoms as expressed by the Church synonymous with challenging the will of God. Fraser Watts and Mark Williams write:

> It might be expected that conformity to the will of God would lead to a sense of freedom being constrained, though, characteristically, no

> sense of conflict is found between the two. The crucial factor is perhaps that the relationship of the religious person with God is a cooperative relationship rather than a coercive one. Conformity to vocation arises out of a developing conceptualization of God, the world and the self. When this conceptualization is developed on the basis of personal experience there is little likelihood of a sense of freedom being constrained.[20]

In the following extract they describe what is widely recognized to be the contemporary experience of many Roman Catholics:

> One of the core experiences of the religious life is coming to *know* from direct experience what may previously have been a mere matter of religious teaching or of faith. This does not necessarily produce any change in what is known, though it may do so, but it changes very radically *how* it is known. Religious knowledge acquired through direct experience seems able to direct people's lives in a way that mere assent to doctrine does not. If one is interested in the inner core of religion, there are few more important things to understand than such direct religious knowing.[21]

The seriousness with which that last statement may or may not be taken is a clear pointer to the gulf which lies between those who are converted to the dynamic of the last Council and those who wish to override it.

The powerful effect of education is integral to developments in church life, too, since the Council. The transformation of many aspects of parish life such as liturgical ministries, catechesis, prayer, sacramental preparation, spiritual guidance and so on is educating and maturing those involved whether they realize it or not. For some the realization comes only with hindsight, when they are deprived of making a responsible contribution to their local believing community by some sort of clerical action. The freedom they did not realize they had is discovered only in its confiscation. This is only too common a way of discovery that the proclaimed right of the lay person to be part of the Church's mission is, in reality, seriously constrained by the institutional, not theological, straitjacket.

All this, I would maintain, is evidence of the *sensus fidelium*, a notion which describes the presence of the Holy Spirit at work in the people of God – and constitutes the grounds for their rightful place in the law-making process of the Church. It is foundational to the integrity of the people of God.

Örsy quotes *Lumen gentium* 12:

> . . . the community has the capacity to come to correct insights into the word of God; to insights which then lead them to a thorough application of the same Word to life. In theological terms the council affirms that the assistance of the Spirit is given to the people of God, all of them, to discover Christian values and find the ways and means to reach them.

He then comments,

> This means obviously that there is a power in the Christian community to create good laws which can help to usher in the Kingdom . . . The history of the church confirms abundantly the theological statement of the council. Many of the rules . . . owe their origin not to any kind of central legislation but to the 'supernatural instinct' of the community described so competently by the fathers of the council . . .[22]

He goes on to conclude that:

> . . . a legal system which leaves no room for the contribution of the people as described in the conciliar documents . . . is theologically unsatisfactory. By denying any practical scope to the insights reached by the community, it makes the operation of the Spirit ineffective. The very nature of the church postulates that there should be a real and concrete possibility for the people to contribute.[23]

Vatican II and the transition it has provoked have left the contemporary Roman Catholic Church with a range of conflicts. The inconsistencies can be identified in various ways, but one of the most important, and most relevant here, is the presence of conflicting ecclesiologies: Church as *communio* and as *societas*. It is a conflict set up in the Council documents and it was carried over into the revision of the Canon Law which followed the Council.

The purpose of the law is, as John Paul II stated, 'to facilitate grace, faith, charism and charity in the community and in the individuals who make up that community'.[24] But law is only one means for achieving this, and a very imperfect one at that. Ambiguities abound; acknowledgement of the inadequacies of the revised law were admitted even before it lay between two covers.[25] All the commentaries agreed that the two ecclesiologies gave rise to two distinct ways of making laws with no attempt at integration. The source of order actually became a perpetuation of conflicting values. The inevitable deficiencies of translation from experience to order need to be met with imaginative and flexible interpretation.[26] The application and interpretation of canon

law is all about nuance, discretion, vision, imagination. However, for those in the old legalistic mindset and with an authoritarian bent the letter of the law is there to be used repressively. Is this really the right purpose of God's laws? Do we not find some pertinent comment in the gospels about this attitude to religious law? Did not the Council call on the Church to examine itself often 'in the mirror of the gospel'? Yet in commentaries on canon law, the gospels are hardly ever referred to. This is a major area where authority has lost serious ground for those who have discovered the 'new God' of the gospels. What happens to believers at the hands of those who are charged with their pastoral care is frequently experienced as a travesty of the divine love it is meant to mediate. Most members of the Church are not familiar with the niceties of conflicting ecclesiologies in canon law – they just know what they experience.

In 1986 James Provost asked whether this split ecclesiology can respond effectively to the expectations laid on it and to the pastoral needs of today.[27] The ever-weakening respect for church authority since then among many of the most committed Roman Catholics points to the answer that it does not. What is the point of eloquent documents on the laity when in reality the laity have no structural means to have their faith experience channelled into the reflective processes of the Church? To have rights described in church law[28] without the authorities having the necessary will to see that they are given expression, or worse, even seeming to want to frustrate them? What use are theological documents offering affirmation to women when full-scale opposition is mounted to prevent even the use of language which is not offensive to increasing numbers of women?[29] Freedom of speech takes on a whole new meaning here! Why should truly searching Roman Catholics have their genuine response to live out the gospel so disregarded and devalued by those who are meant to be nourishing and supporting such lives? The leaders of the institutional Church 'demand from society civil rights and practices which they reject for the Church on the pretext that its secular discipline is immutable, for it is rooted in divine right.'[30] As an advocate of freedom the Church has little credibility while it so patently fails to practise what it preaches.

Public statements from church authorities prohibiting discussion of some matter of theology[31] or refuting (or appearing to refute) choice[32] in a matter of conscience sting mature committed Roman Catholics into defending themselves by disassociation; they refuse to appear as the willing and mindless recipients of such unequivocal instructions. The lack of an official public voice[33] for those who dissent from the

official church leaves thinking Roman Catholics with the public image of being prisoners in faith of the hierarchy: so much human blotting paper waiting to mop up whatever spills out of the hierarchical inkpot. The respect which has traditionally been accorded catholic religious leaders, and to some extent still is, is not reciprocated by them to the laity. The lack of reciprocal respect is a prime factor in the apparently easy disregard with which many believers, ordained as well as lay, treat the freedoms and boundaries as currently defined by the institutional church.

The way to cope with the inadequacies in the canon law adopted increasingly by lay people and clergy alike is, 'Don't ask'. This is hardly conducive to respect for order or of service to gospel values. It gives great scope for the freedom to dissent, which believers do in growing numbers, but dissent in a vacuum does not help the problem. Moreover, were the content of the dissent listened to carefully and genuinely believed in as something coming from full members of the Church's *communio*, it would be of great benefit to all concerned. The practical implications of the doctrinal vision of Vatican II remain unclear; how do we find the way to express *communio* ecclesiology in church order? Örsy suggests that the variety of contemporary reflections on this problem create fertile ground and should be critically examined as 'grounds for debate and progress'.[34]

The effect of Vatican II is that many believers have discovered the reality of what it means when we pray to God: 'In you we live and move and have our being'. So powerful is their spiritual renewal that they resist attempts to deny them its expression, whether by the imposition of outdated practices and norms or the suppression of new and innovative ideas. The taking up of new freedoms, with the consequent acknowledgement of new boundaries, is done with increasing confidence in the Spirit and in opposition to what are considered by many to be the exaggerated pretensions of the magisterium and of Vatican sources. It is ironic that the fullness of discipleship pointed towards by the highest authority of the Catholic Church (the bishops in council with the Pope), has created the very momentum of challenge that authority cannot cope with now. A cautionary tale that channellers of the Spirit are not controllers of the Spirit.

NOTES

[1] For an excellent discussion on ecclesiology, despite its title, and for a full discussion of the present and future relationship between the experience of belief and church order see Ladislas Örsy, *Theology and Canon Law: new horizons for legislation and interpretation* (Collegeville, Minnesota: The Liturgical Press, 1992), ch 2.

[2] Bernard Häring, My witness to the Church, trans Leonard Swindler (New York, Paulist Press, 1992).

[3] Fraser Watts and Mark Williams, *The psychology of religious knowing* (London, Geoffrey Chapman, 1988), p 3.

[4] See James Provost and Knut Walf, 'Editorial' in *Church law – Church reality, Concilium* 185(1986), p *xi* and John Courtney Murray in 'Freedom, Authority, Community' in *Code, Community, Ministry*, ed James H. Provost (Washington: Canon Law Society of America, 1982), pp 5–6.

[5] Örsy, *op. cit.*, p 92ff.

[6] Örsy, *op. cit.*, p 111.

[7] Örsy, *op. cit.*, p 107. He also points out the confusion created by matters of different substance being addressed in the same Code, and warns readers 'not to identify too readily the laws of the church with the Code of Canon Law . . . Not only because there are laws outside the Code but also because many canons in the Code do not qualify as legal rules since they do not deal with right and duty situations', footnote 1, p 102.

[8] Örsy, *op. cit.*, pp 9ff, 105.

[9] Örsy, *op. cit.*, p 94.

[10] Christian Duquoc in 'Church membership and Christian identification', *Christian identity, Concilium* 196 (1988) eds Christian Duquoc and Casiano Floristan, p 117.

[11] *Lumen gentium* no 8.

[12] See Gerald Arbuckle, *Refounding the Church: dissent for leadership* (London: Geoffrey Chapman, 1993), esp ch 4 for a full discussion of the creative role and management of dissent.

[13] See, for example, Arbuckle, *op. cit.*, for a discussion in the ecclesial context; Charles Handy, *Understanding Organisations* (London, Penguin Books, third edition, 1985). For the wider examination of organizational dynamics. The world is awash with such literature.

[14] John O'Donahue in 'To awaken the divinity within', *The Way* vol 34 no 4, 1994, p 270.

[15] John O'Donahue, *op. cit.*, p 270.

[16] John Courtney Murray, *op. cit.*, p 10.

[17] Especially *Gaudium et spes.*

[18] Watts and Williams, *op. cit.*, p 3.

[19] Watts and Williams, *op. cit.*, p 6.

[20] Watts and Williams, *op. cit.*, p 7.

[21] Watts and Williams, *op. cit.*, p 3.

[22] Örsy, *op. cit.*, p 116.

[23] Örsy, *op. cit.*, p 116.

[24] James Provost and Knut Walf, *op. cit.*, p *xvi.*

[25] John Paul II in the Apostolic constitution to the *Code of Canon Law* as quoted by Richard Potz in 'The concept and development of law according to the 1983 CIC', *Church law – Church reality*, eds James Provost and Knut Walf, *Concilium* 185 (1986).

[26] Örsy, *op. cit.*, ch 3 esp Appendix, pp 50–52.

[27] James Provost and Knut Walf, *op. cit.*, p *xii.*

[28] For example, Canons 212 nn 2 and 3; 215, 219 and 221.

[29] The relentless efforts put into putting the version of the *Catechism of the Catholic Church* in English back into non-inclusive language is well-documented and delayed the publication of this issue of the catechism by two years.

[30] Duquoc, *op. cit*, p 118.

[31] In the apostolic letter, 'On reserving priesthood to men alone' John Paul II states that the judgement that the Church has no authority to ordain women to the priesthood 'must be definitively held by all the Church's faithful'.

[32] 'No Catholic is free to dissent from what is taught', was the statement made by Cardinal Basil Hume following the publication of the papal encyclical *Evangelium vitae*, The Tablet 8th April 1995.

[33] My experience is that in the United States the 'alternative' voice of the Catholic Church is given significant media exposure compared with the UK. In the UK if the media wants to provoke the Christian establishment then it inevitably chooses the Church of England; progress is slow in raising public awareness of the diversity in the Catholic Church.

[34] Örsy, *op. cit.*, p 159.